

(2010) 10 RAJ CK 0049

In the Rajasthan High Court

Case No : SBCivil Writ Petition No. 9731 of 2010

Karnel Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 25-10-2010

Acts Referred:

Rajasthan Tenancy Act, 1955 — Section 212

Citation : (2010) 10 RAJ CK 0049

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Govind Mathur, J.—The petitioner and the respondent No. 3 are real brothers. Their sisters viz. Kashmir Kaur and Jasvinder Kaur preferred a suit for partition of their parental agriculture property and alongwith suit an application as per provisions of Section 212 Rajasthan Tenancy Act was also filed. The trial court (SubDivisional Officer (Revenue), Padampur) on 29.4.2010 while accepting the application aforesaid granted a temporary injunction in the terms that till disposal of the suit status quo with regard to record of land in question shall be maintained. The Divisional Irrigation Officer, Northern Division, Water Resources Circle, Sriganganagar, under an order dated 17.6.2010 recorded the water course in the name of respondent No. 3 Jarnel Singh. The petitioner by way of filing an appeal assailed the same but that came to be rejected by the Superintending Engineer, Water Resources Circle, Sriganganagar vide order dated 12.10.2010.

2. While challenging the orders passed by the Divisional Irrigation Officer and the Superintending Engineer it is contended that recording the water course in the name of the respondent No. 3 amounts to violation of interim order passed by the revenue court.

3. I do not find any force in the argument.

4. The status quo as ordered to be maintained by the Sub Divisional Officer (Revenue) Padampur is relating to revenue records and not for water supply. The recording of water course in the name of the respondent No. 3 in no manner violates the interim order passed by the revenue court. As such at least on this count recording of water course in the name of the respondent No. 3 cannot be held bad.

5. The petition for writ is accordingly dismissed.