
(1999) 04 RAJ CK 0038

In the Rajasthan High Court

Case No : Civil Writ Petition No. 2163 of 1996

Kishore Singh and Others

APPELLANT

Vs

Collector, Sri Ganganagar and Others

RESPONDENT

Date of Decision : 07-04-1999

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (1999) 2 RLW 1032 : (2000) 1 WLC 734 : (1999) 1 WLN 508

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.J. Shethna, J.—Petitioner No. 1, Kishore Singh is father of remaining four petitiones Satnam Singh, Karnail Singh, Gurnam Singh, Banzar Singh. They successfully managed to get plots of 73 ? 30 ft. in village Manewala (Chak 2 MWM) from the Gram Panchayat, Sardargarh without following the provisions of Rule 255 to 269 of the Rajasthan Panchayat Rules in 1991. When they started construction on that plots village people came to know about it and objected before the Collector, Sri Ganganagar, who ordered inquiry into the matter. Block Development Officer, Suratgarh submitted his inquiry report to the Collector and a revision petition was filed by one Bagha Ram s/o Tala Ram, present respondent No. 3 in 1994 before the Collector, Sri Ganganagar. The said revision petition was allowed by the Collector, Sri Ganganagar by his order datd 22.8.1995 (Annex.6) and the order passed by the Gram Panchayat allotting plots on 17.3.1991 to the present petitioners were cancelled. This order is challenged in this writ petition by the present petitioners by filing joint writ petition.

2. Learned Counsel Shri Bishnoi has raised two preliminary objections in this petition (i) that all the Jive petitioners were allotted separate plots by separate orders, therefore, joint writ petition was not maintainable. He submitted that all the Jive petitioners should have filed separate Jive petitions against the order passed by the Collector though by one order the Collector cancelled the allotment

of five persons; and (ii) in absence of State of Rajasthan being respondent party, this petition is not maintainable.

3. Both these preliminary objections are full of substance and required to be upheld. Even on merits the petitioners have got no case.

4. Learned Counsel Shri Joshi has placed reliance upon the judgment of this Court in case of Mastana Ram and Ors. v. State of Rajasthan and Ors. reported in 1981 WLN 223 and submitted that the learned Collector was wrong in allowing the revision application and cancelling the allotment of Pattas after a period of four years, he submitted that delay of four years is sufficient to set aside the order passed by the Collector. He submitted that after the plots were allotted to them, they spent huge amount for their development. In Mastana Ram's case, the State Government at a belated stage of six years, wanted to challenge the validity of its own order on an absolute untenable grounds where the sanction was signed by the Assistant Secretary and not by the Secretary. That is not the case here. Facts of this case are totally different. All these five persons belong to one family. In fact, they are father and Sons and on one day only they could manage to get the plots without following the provisions of the Gram Panchayat Rules. When they started to put on the construction, the village people came to know and immediately complained to the Collector on which the inquiry was ordered and when, revision was filed it was found by the learned Collector that the petitioners illegally got the plots from the Gram Panchayat by not following the Panchayat Rules, therefore, their allotments were required to be cancelled. The revision petition was filed in 1994 whereas the allotments were made in 1991. Thus, there is a delay of only three years and on facts of this case, it cannot be said to be a gross delay. In fact, they came to know only when the petitioners started construction and at that time they complained to the Collector. This type of cases where the Collector has exercised its jurisdiction and cancelled the allotments, I am of the opinion that the Court should not interfere with such orders in its supervisory jurisdiction under Article 227 of the Constitution of India.

5. In view of the above discussion, there is no substance or merits in this petition. Hence, it is dismissed. Stay granted earlier stands vacated.