

(2011) 10 RAJ CK 0051
In the Rajasthan High Court
Case No : Civil Writ Petition No. 3724 of 2011

Manish Purohit

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 14-10-2011

Acts Referred:

Citation : (2011) 10 RAJ CK 0051

Hon'ble Judges : Dinesh Maheshwari, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Dinesh Maheshwari, J.—Having heard the learned Counsel for the Petitioner and having perused the material placed on record, this Court is not persuaded to entertain this writ petition.

2. The Petitioner, said to be holding the office of Up-Sarpanch of Gram Panchayat Jhadol, District Udaipur has filed this writ petition essentially stating the grievance against setting apart and allotment of 1 hectare land for the purpose of establishment of an Industrial Training Institute ("ITI") out of the land of Khasra No. 1176 of village Jhadol that was entered as Charagah. It is sought to be contended that the Gram Panchayat has taken specific resolutions against such allotment pointing out that the land in question is used for public functions and fair. The learned Counsel for the Petitioner has strenuously contended that village common land cannot be allowed to be used for other purpose like the present one i.e., establishment of an ITI; and has referred to the decision of the Hon'ble Supreme Court in the case of Jagpal Singh and Ors. v. State of Punjab and Ors. AIR 2011 SCW 990.

3. So far the Gram Panchayat is concerned, it is of course free to take recourse to the appropriate proceedings in accordance with law but so far the Petitioner is concerned, at his instance, there appears no reason to issue any writ, order or direction in the matter where the Collector, by his order dated 31.03.2010, has

taken a specific decision for allotment of the land on 25 years lease under the Rajasthan Land Revenue (Allotment of Unoccupied Government Agricultural Lands for Construction of Schools, Colleges, Dispensaries, Dharamshalas & Other Building of Public Utility) Rules, 1963 ["the Rules of 1963"]. The suggestions as made by the Petitioner regarding the use of this particular land appears to be rather incongruous where at one stage it is suggested that the land in question is recorded as Charagah and is not to be put to other use and on the other hand, it is suggested by the Panchayat that the land in question is situated near the abadi and it would be needed for the future abadi expansion and yet further, it is suggested that there was a mela ground near the land in question where about 15000 people would collect for the village fair. In any case, so far as the use as permitted by the Collector is concerned, the same cannot be said to be altogether contrary to or at contrast with the public purpose because establishment of an ITI has got its own element of public utility.

4. The reference to the decision of the Hon''ble Supreme Court in Jagpal Singh's case (supra) does not appear apposite because in the said case, the Hon''ble Supreme Court has been pleased to consider the matters relating to encroachment and construction on the common land by illegal occupants. The present one is not a case of any illegal occupant entering into the land in question as the same has specifically been allotted under the order passed by the Collector in accordance with Rules of 1963.

5. No case for interference in the writ jurisdiction is made out.

6. The writ petition fails and is, therefore, dismissed.