

(2020) 01 RAJ CK 0284
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1439 Of 2020

Mehardeen Khan And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 30-01-2020

Acts Referred:

Rajasthan Colonisation Act, 1954 — Section 22
Rajasthan Tenancy Act, 1955 — Section 15, 88, 188, 212
Rajasthan Land Revenue Act, 1956 — Section 125, 136
Code Of Criminal Procedure, 1973 — Section 151

Citation : (2020) 01 RAJ CK 0284

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : Binja Ram, D.K. Joshi

Final Decision : Disposed Of

Judgement

Mr. D.K. Joshi, puts in appearance on behalf of respondents.

A copy of the petition has been supplied to him.

Learned counsel for the petitioners, at the outset, submits that identical matter involving the identical issue, has been disposed of by this Court vide its order dated 01.11.2018 [S.B. Civil Writ Petition No.16992/2018 (Jannat & Ors. Vs. State of Rajasthan & Ors.)] and prayed that similar order may be passed in the present case also.

The order dated 01.11.2018 passed in Jannat (supra) reads as under:-

"Heard learned counsel for the petitioners.

Perused the material available on record.

The petitioners claim to be in possession of a chunk of agricultural land in the village Nachana, District Jaisalmer through their ancestors, who were allegedly cultivating the land even before the enactment of the Rajasthan Land Revenue

Act, 1956. The petitioners received a notice under Section 22 of the Rajasthan Colonization Act treating them to be trespassers over the said chunk of land. They filed a suit for declaration under Sections 88, 188 read with Section 15 of the Rajasthan Tenancy Act; and Sections 125 and 136 of the Land Revenue Act seeking a direction for declaration of their rights on the land in question. Alongwith the suit, they also filed an application for injunction under Section 212 of the Rajasthan Tenancy Act read with Section 151 C.P.C.

A grievance is raised by the petitioners that on the one hand, the Dy. Commissioner (Colonization), IGNP, Nachana, District Jaisalmer is sitting tight over the petitioners' suit and the injunction application and at the same time, the respondent authorities are bent upon to dispossess the petitioners from the land in question on which, they claimed entitlement by virtue of old possession.

Having regard to the peculiar facts and circumstances of the case, the Dy. Commissioner (Colonization), IGNP, Nachana before whom, the suit as well as injunction application of the petitioners are pending, is directed to expedite the proceedings of the suit and injunction application and shall try to conclude the same within a period of one year from the date of submission of copy of this order. Till the petitioners' suit and injunction application are decided, they shall not be dispossessed from the land in question.

The writ petition as well as stay applications are disposed of in these terms."

Learned counsel for the respondents does not dispute the fact that the issue raised is covered by order passed in the case of Jannat (supra)

The present writ petition is also disposed of in the same terms.

The Stay Application also stands disposed of accordingly.