
(2013) 07 RAJ CK 0077

In the Rajasthan High Court

Case No : Civil Writ Petition No's. 11903 of 2013; 11907 of 2013; 11900 of 2013; 11899 of 2013

Munshi Shah and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 19-07-2013

Acts Referred:

Citation : (2013) 4 WLN 227

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : B.R. Rana, for the Appellant;

Final Decision : Disposed Off

Judgement

Alok Sharma, J.—All the writ petitions arise in identical background, agitate a common question and are thus being decided by this common order. SBCWP No. 11903/2013 is the leading case for reference to the necessary facts. The writ petition has been filed with the following prayer:

(i) "By an appropriate writ order or direction the order passed on 26.06.2013 by non-petitioner No. 2 may kindly be quashed and set aside.

(ii) By an appropriate writ order or direction the respondents may kindly be directed not to dispossess the petitioner from rented shop without following legal procedure.

2. A perusal of the writ petition indicate that in SBCWP No. 15849/2010, Sevar Gram Seva Sahakari Samiti Ltd. Vs. Munshi Shah & Anr. and three other connected matters, this Court vide order dt. 24.02.2011 recorded the undertaking of Sevar Gram Seva Sahakari Samiti Ltd. (now respondent No. 3 before this Court) not to evict Munshi Shah (now the petitioner before this Court) from the tenanted premises without following the provisions of law. This Court further directed that the Sevar Gram Seva Sahakari Samiti Ltd. would only be entitled to evict the petitioner as per law. The said order has attained finality. It

further transpires from the file of the present writ petition that the petitioner had approached the Civil Judge (Jr. Division), Bharatpur and vide order dt. 23.11.2012, the Civil Judge directed on the petitioner's application under Order 39 Rule 1 & 2 read with Section 151 CPC that in the pending suit, the petitioner Munshi Shah, who was the plaintiff before the Civil Court, would not be dispossessed without due process of law.

3. Now the Tehsildar, Bharatpur, vide its show cause notice dt. 26.06.2013, has required the petitioner, Munshi Shah, to present before 1st July, 2013 proof with regard to his ownership or other legal right to continue in the tenanted shop in dispute or otherwise the petitioner would be dispossessed. The petitioner is aggrieved of this notice.

4. In my considered opinion, there is no occasion for this Court to interfere in the present writ petition. The prayer in the writ petition now agitated has already been granted by this Court in its judgment dt. 24.02.2011 in SBCWP No. 15849/2010. Reference to which has been made hereinabove. And the petitioner has already filed reply to the notice of the Tehsildar, Bharatpur detailing all the facts with regard to the protection by this Court as also Civil Court. The Tehsildar, Bharatpur no doubt would have due regard to the order of this Court passed in SBCWP No. 15849/2010 and in the event the same were to be overlooked, it is on the Tehsildar's own peril. If wronged and the order dt. 24.02.2011 in SBCWP No. 15849/2010, overlooked and disobeyed, the petitioner would be free to take his proceedings in law including for contempt of the order aforesaid.

5. For the present, I do not find any ground to interfere with the writ petitions and the same are disposed of with the aforesaid observations. Stay application need no address in view of the petitions being disposed of. A copy of this order be placed in each of the connected matters.