

(2013) 09 RAJ CK 0110
In the Rajasthan High Court
Case No : Pil Petition No. 15729 of 2013

Nawal Kishore and Others

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 06-09-2013

Acts Referred:

Rajasthan Land Revenue Act, 1956 — Section 102

Citation : (2014) 1 WLN 103

Hon'ble Judges : Amitava Roy, C.J.;Veerendr Singh Siradhana, J

Bench : Division Bench

Advocate : Ajay Gupta, for the Appellant;

Final Decision : Dismissed

Judgement

Amitava Roy, C.J.—The challenge has been laid in the instant petition, attired as a public interest litigation, to the order dated 1.5.2013 passed by the respondent No. 3, District Collector, Alwar allotting a plot of land measuring 1.26 hectares situated in khasra No. 584 by way of lease in favour of the Rajasthan State Seeds Corporation Limited on terms and conditions as enumerated therein. We have heard Mr. Ajay Gupta, learned counsel for the petitioner.

2. In view of the order proposed, it is not considered essential to issue formal notice.

3. Briefly stated the relevant facts are that the petitioners are residents of Village Girudi, Tehsil Bansur, District Alwar. According to them, land under khasra No. 261 measuring 4.45 hectares, khasra No. 574 measuring 1.33 hectares and khasra No. 3.13 hectares (total measuring 8.91 hectares) are pasture land of the said village and is recorded as charagarh land in the revenue records. The said land is being used, for several decades, for grazing of cattle of the said village. They have alleged that though the State authorities under the Rajasthan Tenancy (Government) Rules, 1955 are duty bound to preserve the same, the area thereof has gradually reduced over the years to stand at 8.91 hectares. It has

been asserted as well that such an allotment, if sustained, would adversely impact upon the land in khasra No. 486, which is Johad/Pond.

4. The learned counsel for the petitioners, while reiterating the above, has urged judicial intervention for redress.

5. We have considered the pleaded averments and the arguments advanced.

6. A bare perusal of the order dated 1.5.2013 reveals that the State Government while allotting the aforementioned area of 1.26 hectares of land to the Rajasthan State Seeds Corporation Limited on lease, has restored land measuring 1.25 hectares located in the same village, included in khasra No. 56 & 578 by reserving the same to be charagah and thus, maintaining the existing area thereof. The order dated 1.5.2013 also recites the ground on which the allotment has been made and provides inter alia for rainwater harvesting for raising the underground water level. This, as the order reveals, has been in exercise of the power u/s 102 of the Rajasthan Land Revenue Act, 1956 (for short, hereafter referred to as "the Act"), which reads as hereunder:-

Power of Government to allot land for purposes other than agricultural as well as on special terms-Notwithstanding anything here in force contained the State Government shall have power to allot and for the purpose of an industry or for any purpose of public utility on such conditions as it deems fit.

7. Upon hearing the learned counsel for the petitioners and on a consideration of the materials on record, and more particularly, the text of the order dated 1.5.2013, in the backdrop of the power available u/s 102 of the Act, we are of the firm opinion that no interference is called for. The petition therefore, lacks in merit and is dismissed.