
(1986) 09 RAJ CK 0112
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2328 of 1983

Pritam Singh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 05-09-1986

Acts Referred:

Citation : (1986) RLW 556 : (1986) WLN 645

Hon'ble Judges : S.M. Jain, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Sobhag Mal Jain, J.—In this writ petition the petitioner challenges the order of the Collector, Sri Ganganagar dated the 5th October, 1981 cancelling the patta executed in favour of the petitions by the Gram Panchayat Rattewala in 1971. Petitioner's case in brief was that the petitioner purchased the land in respect of plot No. 41 measuring 60"x 85" situated in chak 11B. in auction sale. His bid was highest which was accepted by the Gram Panchayat and the petitioner deposited the sale-price within the prescribed time. The copies of the proceedings were duly sent to the Sub-Divisional Officer concerned and the sale was confirmed by the Gram Panchayat in favour of the petitioner. Since then the petitioner has been in actual physical possession of the plot After about 10 years, the Collector cancelled the said patta by the order dated 5th October, 1981. The case of the petitioner is that this was done illegally without any notice to the petitioner. He was not given any opportunity to show cause against the intended action. In para 8 of the writ petition the petitioner has specifically mentioned "...there is nothing on the record by which it can be said that any notice was issued to the petitioner or was served on the petitioner before passing the order dated 5-10-1981.?

2. Despite notice to the respondents no return has been filed in this Court. It is thus apparent that before passing the order dated 5th October, 1981 no notice was given to the petitioner of the intended action to suspend the sale made in

his favour by the Panchayat. Obviously, principles of natural justice have been violated and the order of the Collector dated October, 1981 deserves to be quashed. It is surprising that no action was taken by the Sub-Divisional Officer when the proceedings of auction were transmitted to him by the Panchayat in 1971 and the Collector chose to cancel the patta of the allottees in 1981 and that too without affording an opportunity to show cause to the petitioner.

3. Accordingly, the writ petition is allowed and the order of the Collector dated 5th October, 1981 is set aside, without any order as to costs.