
(2013) 01 RAJ CK 0171

In the Rajasthan High Court

Case No : Civil Special Appeal (Writ) No. 565 of 2012

Pukh Raj and Another

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 16-01-2013

Acts Referred:

Citation : (2013) 2 WLN 272

Hon'ble Judges : Dinesh Maheshwari, J;Arun Bhansali, J

Bench : Division Bench

Advocate : Gopal Acharya, for the Appellant;

Final Decision : Dismissed

Judgement

Dinesh Maheshwari, J.—After having heard the learned counsel for the appellant and having perused the material placed on record, we are not persuaded to consider interference in the order dt. 27.03.2012 whereby the learned Single Judge of this Court has declined to interfere in the order dt. 18.01.2011 passed in Revision Petition No. 117/2010 whereby the Additional Collector, Bhilwara proceeded to set-aside the patta said to have been granted in Case No. 9/2007 by Gram Panchayat, Jagpura on 21.11.2007 under Rule 157 of the Rajasthan Panchayati Raj Rules, 1996 ("the Rules of 1996"). The sum and substance of the matter remains that the learned Additional Collector has recorded a specific finding in the order impugned that the patta had been granted in relation to the plot in question squarely contrary to the requirements of the Rules of 1996. More particularly, the learned Additional Collector has found that there was nothing on record to show that there existed any "old house" on the land in question wherefore any regularisation could have been ordered. The learned Additional Collector has further found want of compliance of other requirement of the Rules of 1996; and has, inter-alia, observed as under:-

2. The learned Single Judge of this Court, after examining the record found that no case for interference was made out, particularly with reference to the findings

of the revisional authority that there was no evidence on record to establish possession of the writ petitioners on the land in question.

3. We have gone through the copies of the record of Panchayat, as placed on record of this appeal and have no hesitation in endorsing the findings of the learned revisional authority and the learned Single Judge of this Court.

4. We may further observe that Rule 157 of the Rules of 1996 envisage regularization of "old houses". That there was not available any old house on the land in question remains a finding on facts and there is nothing on record to even remotely establish existing of any old house on the land in question, as sought to be suggested by the appellants. That being the position, no regularization could have been ordered under Rule 157 of the Rules of 1996.

5. The learned counsel for the appellant attempted to submit in the last that as per the oral instructions given to him, probably there had been some other patta available in relation to the land in question. Suffice is to observe in this regard that if there was at all any patta in existence in regard to the land in question then too, the Panchayat could not have granted another patta for the same land. Viewed from any angle, the impugned patta cannot be sustained. The appeal remains bereft of merit and is, therefore, dismissed.