
(2019) 09 RAJ CK 0047
In the Rajasthan High Court
Case No : Civil Writ Petition No. 12602 Of 2019

Rajat Malu

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 05-09-2019

Acts Referred:

Rajasthan Panchayati Raj Act, 1994 — Section 97

Rajasthan Panchayati Raj Rules, 1996 — Rule 146, 147, 148, 149, 150, 151, 152

Citation : (2019) 09 RAJ CK 0047

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : Manoj Bhandari, Rajesh Joshi, Vineet R. Dave

Final Decision : Disposed Off

Judgement

The present writ petition is directed against the order dated 01.08.2019, passed by Additional District Collector, Nagaur-Revisonal Authority, vide which petitioner's revision petition filed under Section 97 of the Rajasthan Panchayati Raj Act, 1994 (hereinafter referred to as the 'Act of 1994') has been rejected.

Briefly narrated, the facts appertain to the present case are that the petitioner filed a revision petition under Section 97 of the Act of 1994, laying challenge to the 'patta' dated 24.12.2001 (Annex.2), issued in favour of Keshar Devi - represented by respondents No.7 & 8 (being her legal representatives).

The petitioner's basic ground, besides the other grounds in the revision petition was that while issuing the 'patta', the concerned Gram Panchayat had not followed the procedure provided in the Rules more particularly Rules 146 to 152 of the Rajasthan Panchayati Raj Rules, 1996 (hereinafter referred to as the 'Rules of 1996').

Mr. Bhandari, learned counsel for the petitioner, challenging the order dated 01.08.2019, passed by the Revisional Authority, contended that the order impugned is illegal and unsustainable in the eyes of law, as the basic grounds,

which were raised by the petitioner for setting aside the 'patta', have not been adjudicated by the Revisional Authority. He argued that though all the contentions have been noticed, the learned Additional Collector has not given any finding and has passed a cursory order, rejecting petitioner's revision petition on conjectures and surmises.

Mr. Rajesh Joshi, learned Senior Counsel appearing for the respondents No.7 & 8, on Caveat, argued that the contentions raised by the petitioner before the Revisional Authority were not within his domain, as the same can be considered only by a competent Civil Court. He, however, could not justify the order impugned dated 01.08.2019, as obviously, no adjudication has been made, as far as the petitioner's argument(s) that the Gram Panchayat had failed to observe mandatory requirement of law. He, however, argued that the revision petition was filed after an inordinate delay of 18 years and thus, the same has been rightly rejected.

Having heard learned counsel for the parties and upon perusal of order impugned, this Court finds substance in the argument raised by the learned counsel for the petitioner. The order impugned does not conform to the yard sticks of a valid order in the eyes of law. The Revisional Authority has not given any finding as to whether the provisions of the Rules 146 to 152 of the Rules of 1996 have been followed or not. So far as the ground of delay is concerned, even this question has also not been decided by the Revisional Authority, in express terms.

This Court is thus of the opinion that the order impugned dated 01.04.2018 is unsustainable in law. As the dispute is essentially between the petitioner and respondents No.7 & 8, there appears to be no necessity to issue notice to other respondents - as they are formal parties, given the fact that the Court is simply remanding the matter back to the Revisional Authority.

In view of the aforesaid, the writ petition is allowed and the impugned order dated 01.08.2019 is quashed and set aside. The Revisional Authority i.e. Additional District Collector, Nagaur is directed to decide the revision petition, afresh in accordance with law, within a period of four months from today.

The stay application is also disposed of.

Needless to observe that the petitioner as well as the respondents No.7 & 8 shall be free to raise all the grounds and objections, including the objection with respect to limitation.