
(2016) 05 RAJ CK 0055

In the Rajasthan High Court

Case No : Civil Writ Petition No. 4599 of 2014

Ram Singh Bharti

APPELLANT

Vs

Board of Revenue

RESPONDENT

Date of Decision : 06-05-2016

Acts Referred:

Citation : (2016) 3 DNJ 1246 : (2016) RRD 703

Hon'ble Judges : Mr. Arun Bhansali, J.

Bench : Single Bench

Advocate : Mr. Arjun Purohit, Advocate, for the Appellant

Final Decision : Dismissed

Judgement

Arun Bhansali, J.—This writ petition has been filed by the petitioner aggrieved against orders passed by the Revenue Appellate Authority, Jodhpur dated 31.1.2002 (?RAA?) and the Board of Revenue, Ajmer dated 29.6.2011 ("Board"), whereby, the order dated 31.3.2001 passed by the District Collector, Jaisalmer (?Collector?) under the Rajasthan Land Revenue (Industrial Area Allotment) Rules, 1959 ("Rules") has been cancelled.

2. The petitioner was allotted land for setting up of industry under the Rules on 7.4.1998 and the lease deed in this regard was executed on 7.12.1998; the condition of the allotment, inter alia, was that the petitioner would set up the industry within a period of two years from the date of possession; the petitioner could not set up the industry within the said period and applied for extension of the time; the District Industries Centre recommended the case of the petitioner for extension by its recommendation dated 22.1.2001 to the Collector, however, the Collector after considering the case of the petitioner and not being satisfied with the reasons indicated for failure to setup the industry, by its order dated 31.3.2001 (Annexure-5), did not find the reasons germane and cancelled the allotment.

3. Feeling aggrieved, petitioner filed appeal before the RAA under Section 75 of

the Rajasthan Land Revenue Act, 1956 (?the Act?).

4. The RAA after hearing the parties and thoroughly considering the case on merits did not find any case for interference.

5. Thereafter petitioner filed second appeal before the Board and the Board also after considering the purpose, for which, the land was allotted under the Rules, came to the conclusion that any indulgence would result in frustrating the objects of the Rules and dismissed the appeal.

6. The second appeal was dismissed on 29.6.2011; the petitioner after a passage of almost three years filed the present writ petition on 11.5.2014 questioning the legality and validity of the orders passed by the RAA, Board and that of the Collector; in the entire writ petition, there has been no assertion as to what prevented the petitioner from approaching this Court within a reasonable time from passing of the order by the Board.

7. The very fact that the petitioner has chosen to file petition before this Court after three years, thereafter the writ petition remained under objections of the office for over two years and has now come up for admission, clearly indicates that the petitioner as such is not interested in setting up the industry and only wants to somehow protect his interest in the plot of land in question.

8. The RAA and the Board have thoroughly considered the case on merits and have concurrently found that the Collector was justified in cancelling the allotment of the petitioner for violation of condition of the allotment.

9. No interference is called for in the present writ petition on account of concurrent orders passed by the three authorities below and the fact that petitioner has chosen to approach this Court with inordinate unexplained delay.

10. In view the above, the writ petition filed by the petitioner has no substance and the same is, therefore, dismissed.