

(2021) 03 RAJ CK 0002

In the Rajasthan High Court

Case No : Civil Writ Petition No. 21300 Of 2019

Ramgopal And Ors

APPELLANT

Vs

Nathu And Ors

RESPONDENT

Date of Decision : 01-03-2021

Acts Referred:

Constitution Of India, 1950 — Article 227

Citation : (2021) 03 RAJ CK 0002

Hon'ble Judges : Mahendar Kumar Goyal, J

Bench : Single Bench

Advocate : Gajendra Singh Rathore, Veer Pratap Singh, Dharmendra Kumar, Kuldeep Sharma, Akshay Sharma

Final Decision : Dismissed

Judgement

The matter comes up on an application (1/2020) filed by the respondents no.1 to 4 seeking further direction; however, learned counsels appearing for

the respective parties submitted that the matter may be heard today for admission.

Acceding to the request of the learned counsel, the matter was heard for admission today.

The facts in brief are that the petitioners-plaintiffs filed a suit for declaration, correction of entries and permanent injunction with regard to certain

parcels of lands. Alongwith the suit, an application for temporary injunction was also filed wherein, it was prayed that the respondents may be directed

to maintain status quo with regard to the property, the subject matter of suit. Learned trial Court, vide its order dated 12.12.2015, partly allowed the

application filed by the petitioners are directed the parties to maintain status quo as regards its physical status and revenue record qua the land of

Khasra No.1482 only. Being aggrieved thereof, petitioners as well as respondents no.1 to 4 preferred separate appeals which came to be decided by

the learned Revenue Appellate Authority vide its common judgment dated 09.11.2017 whereby, the appeal preferred by the respondents was

dismissed and the appeal preferred by the petitioners was partly allowed and the order dated 12.12.2015 was modified to the extent that instead of

both the parties, respondents only were directed to maintain status quo with regard to land of Khasra no.1482. The dissatisfied petitioners filed a

revision petition which has been dismissed by the Board of Revenue Rajasthan, Ajmer vide order impugned dated 29.11.2019.

Assailing the order impugned, learned counsel for the petitioners submitted that the learned trial Court, despite recording its observation that if the

status of the land in question was altered during pendency of the suit, the plaintiffs would suffer irreparable loss, erred in confining the interim order in

respect of part of land only i.e. qua Khasra No.1482. Learned counsel submitted that the dispute being related to immovable property, the learned

Court below ought to have directed the respondents to maintain status quo qua whole of the land and not only with respect to land of Khasra No.1482.

He, therefore, prayed that the writ petition may be allowed.

Learned counsels appearing for the respondents submitted that the findings recorded by the learned trial Court have been upheld by the appellate

Court as well as revisional Court and the same do not warrant any interference by this Court under its supervisory jurisdiction. They submitted that

there is a concurrent finding of fact that the petitioners are in possession of land of Khasra No.1482 only and hence, the direction issued by the

learned trial Court does not suffer from any error and the writ petition deserves to be dismissed.

Heard the learned counsels for the parties and perused the record.

The learned trial Court has recorded a categorical finding that the petitioners have been able to establish prima facie case, balance of convenience and

irreparable loss, partly only and accordingly direction was issued to maintain status quo qua the land of Khasra No.1482 only. The aforesaid findings

have been affirmed by the learned appellate Court as well as by the learned revisional Court. Undisputedly, whole of the land except the land of

Khasra No.1482, is under the khatedari and cultivatory possession of the

respondents. This Court has gone through the concurrent finding of facts recorded by the learned Courts below and finds that the same are based on material on record and do not suffer from any perversity or illegality warranting interference by this Court under its extraordinary and supervisory jurisdiction vide Article 227 of the Constitution of India.

Resultantly, this writ petition is dismissed being devoid of merit.

The pending application stands disposed of accordingly.