

(1986) 09 RAJ CK 0103
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1930 of 1980

Ratan Lal	Vs	APPELLANT
State of Rajasthan and Others		RESPONDENT

Date of Decision : 04-09-1986

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1986) WLN 524

Hon'ble Judges : S.M. Jain, J;Milap Chand Jain, J

Bench : Division Bench

Final Decision : Allowed

Judgement

Milap Chand Jain, J.—In this writ petition the petitioner challenges the notice dated the 7th September, 1979 issued by the Gram Panchayat, Debari, order of the Additional Collector, Udaipur dated the 19th September, 1980 and the notice issued by the Sarpanch, Gram Panchayat, Debari dated the 12th October, 1980 marked Annexures 2,4 and 5 respectively. The petitioner has alleged that in an auction held by the Gram Panchayat, Debari the petitioner purchased land known as "Khadda" in village Debari for a sum of Rs. 1601/-. His bid was highest and he deposited 1/10th of the auction money on the spot. The balance was deposited on May 31, 1972 and, therefore, a sale-deed was executed in his favour by the Gram Panchayat. The possession of the land was also delivered to the petitioner, According to the petitioner he acquired ownership and proprietary rights over the land in question. He has further urged that after purchasing the land he spent a sum of Rs. 5000/- in its improvement. After a period of 7 years the petitioner received a notice dated the 7th September, 1979 from the Gram Panchayat, Debari informing him that the sale has been set aside by the State Government and, therefore, he should vacate the land and take back his money. The petitioner filed a revision before the Collector, Udaipur, but the same was dismissed by the order dated the 7th September, 1979. In the revision order the Additional Collector has referred to the order of the Collector, Udaipur No. F. 1/12/

V. Janch/79/2366-67 dated the 19th April, 1979 and has observed that by this letter the sale in favour of the petitioner had been cancelled. A notice was thereafter issued by the Sarpanch, Gram Panchayat on October 12, 1980 notifying the programme for the re-auction of the land in question. Aggrieved by the above, the petitioner has filed the present writ petition in this Court under Article 226 of the Constitution. Despite notice, the respondents have not filed any reply to the writ petition. In para 6 of the writ petition the petitioner has categorically stated "The Additional Collector has made a reference to one letter dated 19-4-1979 of the Collector, Udaipur. The petitioner has no knowledge of the aforesaid letter dated 19-4-1979. The petitioner was never given a copy of the decision of the State Government setting aside the sale of the land in question. It also does not appear as has been stated by the Additional Collector, Udaipur that as to how the sale was set aside by the State Government?.

2. The sale in favour of the petitioner was made as back as June, 1972. For 7 years the petitioner remained in possession of the land in question. According to his version he spent over Rs. 5000/- on its improvement and development. The respondents have not justified the cancellation of the sale after 7 years. Rather, the order cancelling his sale has also not been produced before this Court. The allegations of the petitioner, that it was not even made available to him, have not been rebutted. I have, therefore, no alternative but to set aside the orders impugned against.

3. Accordingly, the writ petition is allowed, the notice of the Gram Panchayat, Debari dated the 7th September, 1979; the order of the Additional Collector, Udaipur dated the 19th September, 1980 and the notice of the Sarpanch, Gram Panchayat, Debari, dated the 12th October, 1980 are quashed. There will be no order as to costs.