(2019) 05 RAJ CK 0007

In the Rajasthan High Court

Case No : Civil Writ Petition No. 5741 Of 2019

Shankerlal APPELLANT

Vs

Board Of Revenue And Ors RESPONDENT

Date of Decision : 01-05-2019

Acts Referred:

Rajasthan Land Revenue Act, 1956 — Section 75, 76
Rajasthan Land Revenue (Allotment Of Land for Agricultural Purposes) Rules, 1970 — Rule 14(4)
Constitution Of India, 1950 — Article 227

Citation : (2019) 05 RAJ CK 0007

Hon'ble Judges : P.K. Lohra, J

Bench : Single Bench

Advocate : Praveen Vyas, Vineet Jain

Final Decision : Dismissed

Judgement

By the instant writ petition, petitioner has challenged judgment & order dated 01.10.2018, passed by Board of Revenue, Rajasthan, Ajmer (for short, 'Board of Revenue') rejecting his appeal under Section 76 of the Rajasthan Land Revenue Act, 1956 (for short, 'Act of 1956'). Learned Board of Revenue, while rejecting appeal of petitioner, affirmed judgment & order dated 01.05.2015, passed by Revenue Appellate Authority, Chittorgarh.

The facts, in brief, are that respondent was allotted an agricultural land, under Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970 (for short, 'Rules of 1970), ad-measuring 1 bigha 10 biswas on 17.09.2018 in Araji No.397 on the basis of recommendations of Tehsildar, Bhadesar. Being aggrieved by the aforesaid allotment, petitioner laid an application under Rule 14(4) of the Rules of 1970 before Additional Collector, Chittorgarh, inter-alia, questioning the eligibility of respondents for the aforesaid allotment. The efforts made by the petitioner before Additional Collector, Chittorgarh proved abortive inasmuch as his application was rejected on 18.09.2014. Feeling dismayed with the order of Additional Collector, Chittorgarh, petitioner laid an appeal before Revenue Appellate Authority, Chittorgarh under Section 75 of the Act of 1956. The learned Revenue Appellate Authority, after considering the matter in its entirety, did not find any fault in the order passed by Additional Collector, Chittorgarh and consequently rejected the appeal. Yet again, petitioner approached learned Board of Revenue by preferring appeal and the learned Board of Revenue, while concurring with the findings recorded by both the Courts below, rejected the appeal.

I have heard learned counsel for the petitioner and perused the impugned order as well as other materials available on record.

Upon perusal of the impugned order in conjunction with the available material, in my opinion, it is a clear case of concurrent finding by all the Courts by taking into account the materials available on record.

The petitioner has made endeavor to question allotment of land in favour of respondent but all the Courts unisonly turned down his plea. The instant writ petition is filed by him to invoke supervisory jurisdiction enshrined under Article 227 of the Constitution. It is trite that supervisory jurisdiction is to be exercised with great care and circumspection and while exercising such jurisdiction, the Court is required to see the procedure adopted by the Courts below in taking decision and decision itself cannot be made subject matter of judicial review. In totality, the findings recorded by all the Courts below are based on sound appreciation of available material, which cannot be re-appreciated by this Court in exercise of supervisory jurisdiction.

In view thereof, I feel disinclined to interfere with the impugned order in exercise of supervisory jurisdiction.

Consequently, the instant writ petition fails and same is hereby dismissed summarily.