
(2000) 04 RAJ CK 0048
In the Rajasthan High Court
Case No : Civil Writ Petition No. 923 of 2000

Smt. Kailash Kanwar

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 24-04-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2001) 1 RLW 280 : (2000) 3 WLC 226 : (2000) 2 WLN 275

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Advocate : Sudhir Sharma, for the Appellant; A.K. Khatri, for the Respondent

Judgement

Shethna, J.

(1). The petitioner Smt. Kailash Kanwar was allotted land in Murba No. 7/49 for a total sum of Rs. 1,36,933/- by an order dated 20.10.1995 in ten equal yearly instalments. Immediately she deposited 10% of the total amount i.e. Rs. 13,694/- on 23.7.97. On depositing the said amount, the allotting authority passed an order of allotment in her favour on 24.7.97 (Annex.1). Thereafter, she continued to deposit the amount of yearly instalment. However, a circular dated 4.2.1995 was recalled on 12.3.1996 as stated in the impugned notice at Annex.4 issued by the respondent no.3-Tehsildar Colonisation and the petitioner was asked to deposit the balance amount in three instalments failing which her allotment shall be cancelled. Lateron, by a letter dated 28.2.2000 (Annex.6) the petitioner was informed that earlier allotment of land was made in her favour for Rs. 1,36,933/-, but the same has been increased to Rs. 1,57,286/- in view of the report of A.G. Committee. The petitioner has, therefore, challenged the notice at Annex.4 and 6 by way of this petition.

(2). Learned counsel Shri Sharma raised two contentions in this petition : (i) the respondents cannot raise the amount unilaterally and (ii) the respondents cannot compel the petitioner to pay the remaining balance amount immediately instead

of ten instalments. Second point is squarely covered in favour of the petitioner by a judgment of this Court which is delivered today i.e. 24.4.2000 in S.B. Civil Writ Petition No. 364/2000 and allied matters.

(3). There is lot of force in the first submission raised by the learned counsel Shri Sharma that after the allotment order is passed the respondents cannot unilaterally enhance the amount merely on the basis of report of A.G. Committee.

(4). Apart from the fact that the respondents have raised the amount from 1,36,933/- to Rs. 1,57,286/- without extending an opportunity of hearing to the petitioner, in my opinion, once the contract is complete it is not open for the respondents to raise the price and that too merely on the basis of report of A.G. Committee. Thus, the total amount raised from Rs. 1,36,933/- to Rs. 1,57,286/- is null and void.

(5). In view of the above, this petition is allowed and the impugned notices at Annex. 4 and 6 are required to be quashed and set aside and accordingly, they are quashed and set aside.