
(1999) 01 RAJ CK 0040
In the Rajasthan High Court
Case No : Civil Writ Petition No. 1750 of 1998

Teja Singh

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 21-01-1999

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 1 Rule 10
Rajasthan Allotment of Land (Pong Dam) Rules, 1972 — Rule 6(3)

Citation : (1999) 2 RLW 743 : (1999) 3 WLC 229 : (1999) 1 WLN 88

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.J. Shethna, J.—The petitioner, who alleged to have purchased the land from the original allottee by way of sale deed dated 22.2.1997 has filed this writ petition and challenged the impugned order at Annex. 1 passed by the learned Special Judge rejecting his application for joining as party respondent made under Order 1 Rule 10 C.P.C. in a review application filed by original allottee, whose allotment was cancelled on the ground of breach of Rule 6(3) and (4) of the Allotment Rules, 1972. He has also challenged the final order passed by the learned Special Judge on 15.12.1997 rejecting the review application filed by original allotted Gareeb Das.

2. The learned Special Judge rejected the application of the petitioner made under Order 1 Rule 10 C.P.C. in a review petition filed by original allottee, Gareeb Das on the ground that the petitioner had no locus standi. The learned Special Judge further held that he has to only see whether the allotment made in favour of original allottee was rightly cancelled or not. In my opinion, no error was committed by the learned Special Judge in rejecting the application filed by the petitioner under Order 1 Rule 10 C.P.C. Merely because he alleged to have purchased the land would not entitle him to participate in the proceedings initiated by the original allottee against cancellation of allotment on the ground of

breach of conditions under Rule 6(4) of the Rules, 1972. In case of Gurdeep singh v. Special Judge, Pong Dam Oustees Matters, Sriganaganagar reported in 1998 (3) W.L.C. 607 this Court has held that transferee or allottee gets no right whatsoever on transfer made in violation" of terms of allotment. Thus, when the purchaser has no right to challenge the final order then he cannot participate in the proceedings initiated by the original allottee against cancellation of his allotment. This Court has also taken a similar view in S.B. Civil Writ Petition No. 5/99 decided only few days back i.e. on 18.1.1999. There the person who alleged to have got the possession of the land on the basis of "Will" was held not entitled to challenge the order passed by the learned Special Judge when the cancellation order was passed against the original allottee on the ground of breach of conditions of allotment under Rule 6(4) of the Allotment Rules, 1972.

3. When it is held that the present petitioner who alleged to have purchased the land from the original allottee has nocus standi in a review petition filed by the original allottee before the Special Judge against his cancellation order then certainly he has no right orocus standi to challenge the final order passed by the Special Judge on a review petition filed by the original allottee, who has challenged his cancellation order before the learned Special Judge. As held by this Court in the aforesaid two judgments and several other judgments only the original allottee can challenge the cancellation of allotment and no one else.

4. In view of the above discussion, this petition fails and is hereby dismissed.