
(2011) 02 RAJ CK 0040
In the Rajasthan High Court
Case No : Civil Writ Petition No. 4384 of 2008

Ugam Singh

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 14-02-2011

Acts Referred:

Land Revenue (Land Records) Rules, 1957 — Rule 412, 9
Rajasthan Land Revenue Act, 1956 — Section 261(2)

Citation : (2011) 02 RAJ CK 0040

Hon'ble Judges : Govind Mathur, J

Bench : Single Bench

Final Decision : Allowed

Judgement

Govind Mathur, J.—By the order dated 28.6.2008, the Petitioner, a Patwari has been transferred from one Patwar Circle to another Patwar Circle. The order impugned as per counsel for the Petitioner is in violation of Rule 9 read with Rule 412 of the Land Revenue (Land Records) Rules, 1957 (for short "the Rules of 1957" hereinafter).

2. It is submitted by learned Counsel for the Respondents that the rules on which reliance is placed by the Petitioner have already been amended under a notification dated 26.3.2010 issued while exercising powers under Sub-section (2) of Section 261 of the Rajasthan Land Revenue Act, 1956 (for short "the Act of 1956" hereinafter). The amendment introduced in the rules under the notification dated 26.3.2010 is not applicable in the present case as the transfer was made in the year 2008.

3. Having all the facts and circumstances of the case, I am convinced that the controversy involved in this petition for writ is no more res integra in view of judgment of this Court in Inder Singh v. State of Rajasthan and Ors. reported in 2007(1) WLC 728. Accordingly, the petition for writ is allowed. The order impugned dated 28.6.2008 passed by the Collector, Jalore stands quashed to the extent it relates to the Petitioner. The Respondents are at liberty to pass an

appropriate order of transfer in accordance with the Rules now existing.