

**S.B.Civil Writ Petition NO.1510/2004**

**Dwarkadass & Ors.**

**vs**

**State of Rajasthan & Ors.**

**DATE OF ORDER : - 21.12.2004**

**HON'BLE MR. PRAKASH TATIA,J.**

Mr. Sudhir Sharma, for the petitioner.

Mr. Shyam Ladrecha, Addl.GA, for the respondents.

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Heard learned counsel for the parties.

It appears from the facts of the case that the petitioner earlier preferred writ petition in which this court while disposing of the bunch of the writ petitions observed that petitioners' representations/applications are pending before the competent authority respondent no.2 - SDO, Rawatbhata, Begu, District Chittorgarh and have not been disposed of finally. Therefore, the respondent no.1-State was directed to not to dispossess the petitioners until their representations are decided by the competent authority strictly in accordance with law. According to learned counsel for the petitioner, despite the positive direction of this court not to dispossess the petitioners, the respondent District Collector, Chittorgarh has passed

the order on 16.2.2004 and declared the petitioners' land as pasture land and land reserved for the pond. Learned counsel for the petitioner also submits that respondent is giving days for hearing the representation of the petitioner and respondent has not decided the representation of the petitioners even in three years. In view of the above, the order Annex. 4 dated 16.2.2004 deserves to be set aside.

Since this court already restrained the respondents from dispossessing the petitioner from the land in dispute by order dated 5.2.2001 in the bunch of writ petitions (SBCW Nos.5/2001 to 14/2001), therefore, the respondents cannot dispossess the petitioners till the petitioners' representation are decided by the competent authority.

In view of the above, the fate of the order dated 16.2.2004 depends upon the decision on representation of the petitioner. In view of the above, the respondent no.1-State is directed to decide the representations of the petitioners and till the representations is decided, the order Annex.4 dated 16.2.2004 shall remain in abeyance because the fate of the order dated 16.4.2004 depends upon the decision to be taken by the respondent no.1-State on the representation of the petitioner. In case, the representation is decided in favour of the petitioner, the order dated 16.2.2004 shall stand quashed and set aside, but in case, the representations of the petitioners is decided against the

petitioners then the order dated 16.2.2004 (Annex.4) may be given effect to.

Hence, the writ petition of the petitioner is disposed of as observed above.

**(Prakash Tatia), J.**

c.p.goyal/-