

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR.

J U D G M E N T

Santa Singh Vs. State of Rajasthan & Ors.

D.B. CIVIL SPECIAL APPEAL NO. 571/97

against the judgment and order dated
14.3.1997 passed by Hon'ble Mr.
Justice B.J. Shethna in S.B. Civil
Writ Petition No. 1895/91.

Date of Judgment :: 27/4/2006

PRESENT

HON'BLE MR JUSTICE RAJESH BALIA
HON'BLE MR JUSTICE R.P.VYAS

Mr.Vijay Aggarwal, for the appellant.
Mr.L.R. Upadhyay, Dy. Govt. Advocate.

BY THE COURT (PER HON'BLE JUSTICE R.BALIA):

This appeal is directed against the order of the learned Single Judge dated 14.3.1997 by which the writ petition filed by Mahendra Singh (respondent No.2) has been allowed by holding that the present appellant had no locus standi to file appeal against the allotment made in favour of Mahendra Singh and Amreek Singh of which he was khatedar tenant earlier. Learned Single Judge has held by setting aside the order of the Board of Revenue that the present appellant being original holder has no locus standi to file appeal before the Board of Revenue against the

order of the Revenue Appellate Authority. Consequently, orders dated 8.8.83 (Annexure-1) and 31.7.90(Annexure-2) were set-aside. However, it was pointed out by the learned counsel for the appellant that Annexure-1 related to two separate appeals, one filed by Santa Singh against allotment made in favour of Mahendra Singh and second against allotment made in favour of Amreek Singh out of the same land claimed to be of Santa Singh. While writ petition filed by Mahendra Singh from same order came to be decided by the learned Single Judge, writ Petition filed by Amreek Singh challenging very same order of R.A.A. and the order of the Board of Revenue came to be decided by the Division Bench on 23.3.1994 in D.B. Civil Writ Petition No. 1904/91 upholding the order of the Board of Revenue, that Santa Singh had necessary locus to maintain appeal against allotment made to Mahendra Singh and Amreek Singh.

In view of the order passed by the Division Bench, the order of the learned Single Judge cannot be sustained by which the order of the Board of Revenue (Annexure-2) and the order of the Revenue Appellate Authority (Annexure-1) have been quashed, by holding that Santa Singh had no locus. The order of the Division Bench passed in the writ petition filed by Amreek Singh is

available on record of the writ petition, out of which this appeal has arisen.

In view of the above, we are of the opinion that the appeal of the appellant deserves to be allowed, the judgment under appeal cannot be sustained. Accordingly as a result of allowing the appeal, the writ petition filed by Mahendra Singh is also dismissed.

There shall be no order as to costs.

(R.P.VYAS), J.

(RAJESH BALIA), J.

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