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IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1200/2002

JAILAL Vs. BOARD OF REVENUE & ORS.

DATE: 31.10.2007.

HON'BLE MR. JUSTICE K.S. RATHORE

None present for the petitioner.

Upon perusal of the writ petition, it appears that on several occasions time was granted but nobody appeared on behalf of the petitioner.

I have perused the averments made in the writ petition.

This writ petition is directed against the order dated 26.07.99 passed by the Board of Revenue for Rajasthan, Ajmer as also against the order dated 24.09.96 passed by the Tehsildar, Khandar and the order dated 31.12.96 passed by the Additional Collector, Sawai Madhopur.

Brief facts of the case are that Tehsildar, Khandar vide its order dated 24.09.96 passed in case No. 110/96, awarded penalty of Rs. 220/- and sentenced to civil imprisonment for a period of two months.

Against the said order of the Tehsildar, Khandar dated 24.09.96, the petitioner preferred an appeal before the Additional Collector, Sawai Madhopur and the same was dismissed vide judgment dated 31.12.96 upholding the order dated 24.09.96 passed by the Tehsildar, Khandar.

The petitioner thereafter filed appeal before the Revenue Appellate Authority against the orders dated 24.09.96 and 31.12.96 passed by the Tehsildar, Khandar and Additional Collector, Sawai Madhopur respectively and the Revenue Appellate Authority vide its order dated 18.03.97 while upholding the order of the Tehsildar, Khandar and the Additional Collector, Sawai Madhopur, partly allowed the appeal and reduced the period of civil imprisonment from two months to one month.

The above orders dated 18.03.97, 24.09.96 and 31.12.96 passed by the Revenue Appellate Authority, Sawai Madhopur, Tehsildar, Khandar and Additional Collector, Sawai Madhopur respectively were challenged by the petitioner before the Board of Revenue, Ajmer by way of filing revision and that too was dismissed vide order dated 26.07.99. The Board of Revenue has observed that after perusal of the order passed by the Tehsildar, Additional Collector and the Revenue

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Appellate Authority, there is no reason to interfere with the orders. The judgment passed by the Revenue Appellate Authority dated 18.03.97 has been considered by the Board of Revenue and held that reduction in civil imprisonment made by the Revenue Appellate Authority is interfered with and to this effect, the order passed by the Revenue Appellate Authority has been set-aside and the decision of the Additional Collector, Sawai Madhopur dated 31.12.96 and the Tehsildar, Khandar dated 24.09.96 were upheld and the petitioner was ordered to deposit the penalty of Rs. 220/- and to undergo civil imprisonment for a period of two months as awarded by the Tehsildar, Khandar.

Aggrieved and dissatisfied with the orders dated 26.07.99, 18.03.97, 24.09.96 and 31.12.96 passed by the Board of Revenue, Ajmer, Revenue Appellate Authority, Sawai Madhopur, Tehsildar, Khandar and Additional Collector, Sawai Madhopur respectively, the present writ petition has been preferred by the petitioner on several grounds.

I have carefully gone through the orders passed by all the Courts below including the judgment dated 18.03.97 passed by the Revenue Appellate Authority, Sawai Madhopur.

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Although the Revenue Appellate Authority has upheld the orders passed by the Tehsildar, Khandar and Additional Collector, Sawai Madhopur, but has reduced the period of civil imprisonment from two months to one month, which has been interfered with by the Board of Revenue.

Having considered each and every aspect and upon perusal of the orders passed by the Board of Revenue and the Revenue Appellate Authority, the order passed by the Board of Revenue dated 26.07.99 is herewith quashed and set-aside and the order passed by the Revenue Appellate Authority dated 18.03.97 is upheld.

In view of the observations made herein above, the writ petition stands disposed of.

The stay application stands dismissed.

(K.S. RATHORE),J.

/KKC/