

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

**ORDER**

S.B. CIVIL WRIT PETITION NO.2514/2013  
(Prabhati Lal Vs. The State of Rajasthan & Ors.)

**Date of Order :** **28.02.2013**

**HON'BLE MR. JUSTICE ALOK SHARMA**

Mr. Saransh Saini, for the petitioner.  
**BY THE COURT**

A challenge in this petition has been made to the order dated 08.02.2013, passed by the Authorised Officer cum Executive Officer, Municipal Board, Hindauncity, District Karauli, under Section 90A of the Land Revenue Act, 1956 (hereinafter 'the Act of 1956') read with Section 63 of the Rajasthan Municipalities Act, 2009 in respect of khasra Nos.2406 and 2700 admeasuring 0.70 hectare purportedly in the khatedari of the petitioner.

Heard the counsel for the petitioner and perused the impugned order dated 08.02.2013.

An order passed under Section 90A of the Act of 1956 is appealable under Section 90A(9) of the said Act. Sub-section (9) of Section 90A of the Act of 1956 provides that if an appeal is filed against an order passed by a authorized or designated officer under Section 90A, the said appeal shall be disposed of within a period sixty days from the date of its presentation and if not so done, reasons

in writing for the delay in disposal of the appeal have to be recorded. It is thus apparent that the statutory remedy of an appeal against an order under Section 90A of the Act of 1956 is an efficacious alternative remedy available to a person – in this case the petitioner.

Consequently, without addressing the merits of the case, I would remit the petitioner to avail the remedy of appeal under Section 90A(9) of the Act of 1956.

Counsel for the petitioner has submitted that even while the petitioner would avail of his remedy of appeal under the Act of 1956, yet in view of the imminent issue of Patta/s following the order of conversion under Section 90A of the Act of 1956, the status quo with regard to the land in dispute covered under the impugned order be maintained for a period of seven days during which the petitioner would avail his remedy of appeal.

Having considered the matter, merely to eschew potential complications in the event of issue of Patta before the filing of the appeal, I would in the interest of justice direct that the status quo with regard to the land in dispute purportedly in the khatedari of the petitioner admeasuring 0.70 hectare as aforesaid be maintained for a period of seven days from today. It is however made clear that the order of status quo will not effect or influence the consideration of the appeal and the accompanying stay

application which shall be considered purely on its own merit and the appellate authority would be free to pass any order on the stay application in accordance with its own discretion with reference to the facts of the case.

The writ petition stands disposed of accordingly.

Stay application also disposed of.

**(ALOK SHARMA), J**

MS/-

All corrections made in the judgment/order have been incorporated in the judgment/order being emailed.- **Manoj Solanki, Jr. P.A.**