

**HIGH COURT OF JUDICATURE FOR RAJASTHAN BENCH AT
JAIPUR**

S.B. Civil Writ Petition No. 7956 / 2017

Ramdhan Mali S/o Shri Gyarsi Lal Mali, by Caste Mali, R/o Ward
No. 16, Mohalla Gangapur Road, Near S.D.O. Court, Lalsot, Tehsil
Lalsot, District Dausa (Rajasthan)

-----Petitioner

Versus

1. The State of Rajasthan Through the Tehsildar, Lalsot, District
Dausa (Rajasthan)

2. Geeta Sharma W/o Shri Babu Lal Hada, by Caste Brahmin, R/o
Opposite Nehru Park, Lalsot, Tehsil Lalsot District Dausa
(Rajasthan)

3. The Executive Officer, Nagar Palika, Lalsot, District Dausa
(Rajasthan)

4. The President, Nagar Palika, Lalsot, District Dausa (Rajasthan)

5. The Additional District Collector, Dausa (rajasthan)

-----Respondents

For Petitioner(s) : Mr.Satyapal Singh

For Respondent(s) :

HON'BLE MR. JUSTICE M.N. BHANDARI

Order

31/05/2017

By this writ petition, a challenge is made to the order
dated 19th April, 2017, by which, the revision petition preferred by
the petitioner was dismissed.

It is a case where the land was allotted to the non-
petitioner/s. A challenge to the allotment was made after a lapse
of 14 years. It was precisely on the ground that land, so allotted
to the non-petitioner/s, was purchased by the petitioner from

Khatedar. In view of the above, it should not have been allotted to the non-petitioner/s. Learned Additional Collector considered the issue and dismissed the revision petition.

Learned counsel for the petitioner submits that the impugned order has been passed without opportunity of hearing to the petitioner, thus deserves to be set aside. A reference of the order sheet at Annexure – 7 has been given where the petitioner was shown to be absent on the date of hearing but in the impugned order, his presence has been shown. The petitioner had preferred a revision petition before the Board of Revenue against the earlier order but without waiting for the outcome, the revision petition has been decided by the learned Additional Collector, that too, within the period of two days. Thus, on the aforesaid ground also, impugned order deserves to be set aside.

I have considered the submissions made by learned counsel and perused the record.

The revision petition preferred by the petitioner has been decided vide order dated 19th April, 2017. The separate order sheet shows absence of the petitioner yet his presence has been shown in the impugned order. The order sheet dated 19th April, 2017, however, shows that the case was fixed for pronouncement of the order thus application submitted by the petitioner was not considered and, otherwise, the presence was not material for pronouncement of the order. If, at all, it was material then the petitioner should have remained present on the date fixed for proceedings. No reason for absence has been shown.

Learned counsel for the petitioner was asked as to why the petitioner did not remain present before the Additional Collector and, if some reason was existing, why the application for adjournment was not moved. It is stated that the petitioner was attending a case before the Board of Revenue thus could not attend the proceedings. The reason aforesaid is not acceptable.

The Additional Collector has considered all the relevant aspects. The challenge to the allotment was made after a lapse of 14 years. The explanation about delay has not been given. It is otherwise a case where the land is said to have been purchased by the petitioner from Khatedar. The pleadings to this effect has been made in the writ petition but no document to support it has been submitted. The Jamabandi was relevant to show who was the Khatedar but the relevant documents have not been filed by the petitioner. Mere pleadings in the writ petition are not sufficient, rather, it needs to be proved by the documents.

In view of the above, I do not find any reason to cause interference in the impugned order. The Additional Collector has otherwise considered all the relevant issues and recorded finding of fact, which is not otherwise perverse or illegal thus this Court while exercising jurisdiction under Article 226 of the Constitution of India find no reason to cause interference in the impugned order.

The writ petition is dismissed accordingly.

(M.N. BHANDARI)J.

Preeti, PA