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

S.B. Civil Writ Petition No. 616/2001

Smt Ladi widow of Sh. Gordhan Lal, aged 55 yrs., resident of Bhakarota, Teh. Sanganer.

----Petitioner

Versus

1. The Collector Jaipur
2. Bairisal (Deceased) son of Ladhu Ram, through L.Rs.
2/1. Manoj Kumar S/o late Shri Berisal aged 25 yrs
2/2. Ashok Kumar S/o late Shri Berisal aged 20 yrs
2/3. Ram Sharan S/o late Shri Berisal aged 18 yrs
2/4. Dinesh Kumar S/o late Shri Berisal aged 5 yrs through mother Smt. Mansa.
2/5. Smt. Mansa alieas Kamla W/o late Shir Berisal meena aged 35 years.
All are residents of Jaisinghpura tehsil Sanganer, Distt. Jaipur.
3. Grampanchayat Bahankarota, Teh. Sanganer, Hall Commissioner, Nagar Nigam, Jaipur.

----Respondents

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| For Petitioner(s) | : | Mr. Anil K. Sharma |
| For Respondent(s) | : | Mr. Akshay Sharma, AGC<br>Mr. MK Meena |

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**HON'BLE MR. JUSTICE ANOOP KUMAR DHAND**

**Order**

**31/01/2024**

1. Aggrieved by the order dated 19.07.1999 passed by the District Collector, Jaipur, instant petition has been filed by the petitioner.

2. By passing the order dated 19.07.1999, the District Collector has cancelled the patta No.130 dated 29.09.1989 registered / issued in favour of the petitioner by Gram Panchayat, Bhankrota.

3. Learned counsel for the petitioner submits that after following the due process of law, Gram Panchayat Bhankarota issued the patta in question to the petitioner and some other persons. Counsel submits that the patta of other persons is still in existence but the patta issued in favour of the petitioner has been cancelled by the respondent No.1 in exercise of its revisional powers. Counsel submits that under these circumstances, the order impugned passed by the District Collector is not legally sustainable in the eye of law and is liable to be quashed and set aside.

4. Per contra, learned counsel for the respondents opposed the arguments raised by the counsel for the petitioner and submitted that the land in question is gair mumkin rasta and the use of the said land has not been converted into abadi, even than the Panchayat has issued patta of the same in contravention of the provisions contained under Rajasthan Panchayati Raj Rules, 1996 (for short 'the Rules of 1996'). Counsel submits that Panchayat has power to allot patta of the patta land only but the land in question is not patta land. Counsel submits that under these circumstances, District Collector has not committed any error in cancelling the pattas issued in favour of the petitioner. Counsel submits that under these circumstances, interference of this Court is not warranted.

5. Heard and considered the submissions made at Bar and perused the material available on the record.

6. Perusal of the record indicates that the land in question is recorded as gair mumkin rasta in the revenue record and land use of the aforesaid land has never been converted as patta land.

This fact is not in dispute that under Rule 141 of the Rules of 1996, the Panchayat has power to sale or auction or allot the patta land only and the term patta land has been defined under Rule 140 of the Rules of 1996 which means any nazul and land lying within the inhabited areas of a Panchayat Circle which vests or has been vested in or has been placed at the disposal of a Panchayat by or under an order of the State Government. Here in the instant case, no such order was passed by the State for disposal of the land in question i.e. gair mumkin rasta land to any person or to the Panchayat.

7. Considering all these material aspect of the matter, the Collector has exercised his revisional power and cancelled the patta in question in favour of the petitioner. The revisional authority has passed cogent reasoned order which requires no interference of this Court.

8. Accordingly, the writ petition stands dismissed. Stay application and all pending applications, if any, also stand dismissed.

(ANOOP KUMAR DHAND),J

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