

Ram Singh Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Feb-09-1977

Reported in : 1977WLN(UC)50

Judge : A.P. Sen, J.

Appeal No. : S.B. Civil Misc. Writ Petition No. 1615 of 1976

Appellant : Ram Singh

Respondent : State of Rajasthan and ors.

Disposition : Petition dismissed

Judgement :

A.P. Sen, J.

1. This writ petition by Ram Singh is directed against an order of Shri P. Maderana, Colonisation Minister dated 15-11-1975 rejecting his revision application.

2. No interference with the order of the Hon'ble Minister is called for. The dispute relates to allotment of four 'bighas' of canal irrigated land situate in square No. 51 in village 25 R.B. It appears that the Collector, Ganganagar, by his order dated 7-1-1971 allotted this land to respondent No 2 Fauja Singh. Thereupon, the petitioner filed an application for review before the Collector, who by his order dated 20-1-70.

rejected the objections raised by him, stating that Ramsingh already had land in 26 R.B. measuring 21 'bighas' and also in 25 R.B. 21 'bighas' 5 'biswas' and, therefore, there was no question of 'kamipuri', i.e., he had more than sufficient land. In that view, the Collector held that there was no question of canceling the allotment. Thereafter the petitioner preferred a revision against the order of the Collector dated 20-1-71. The revision was allowed by Shri Manphool Singh, State Minister for Colonisation by his order dated 6-7-1971. The State Minister for Colonisation by his order in question, made the allotment these of the four 'bighas' in favour of the petitioned', failing to notice that the land had already been allotted by the Collector and, then fore, was not available for allotment.

3. On revision, the Deputy Secretary for Colonisation by his report dated.1.12.1971 placed the papers before the Minister for Colonisation enquiring whether he would like to review the order of the State Minister, pointing out that there was a mistake in allotting the land to the petitioner. After hearing the parties, the Minister by his impugned order rejected the application for revision.

4. The contention that the Minister for Colonisation had no jurisdiction to review the order of the State Minister for Colonisation dated 6.7.1971 inasmuch as the period therefor under the Limitation Act 1908 had expired ran hardly he accepted. No doubt, Section 87 of the Rajasthan Land Revenue Act, 1956, lays down that application for review shall be governed be the period prescribed under the Limitation Act. The question does not arise.

5. The matter before the State Government was in revision and not in review, on an application for revision filed by respondent No. 2 Faujasingh. The Deputy Secretary for Colonisation in his report dated 1-12-1971 also refers the application as one for revision. The Minister for Colonisation by his order in question, has treated the application to be one for revision. Merely because the Board of Revenue in its order dated 19-1-1974, characterised it as an application for review, that would not alter an application for revision into one for review.

6. The next contention that the Minister could not have reviewed the matter without notice to the petitioner, is wholly devoid of substance. The Minister for Colonisation set aside the order of the State Minister for Colonisation dated 6-7-

1971 in exercise of his powers of revision under Section 84 of the Rajasthan Land Revenue Act. For exercise of the suo moto powers of revision, there is no period of limitation. The submission that the petitioner was not heard, does not appear to be correct. The petitioner in para 6 of the writ petition has himself alleged that he had filed a written objection before the Minister. This shows that the petitioner was not only given notice of the proceedings, but was also actually heard before the Minister for Colonisation before he revised the order of the State Minister for Colonisation. That being so, the State Government did not act in breach of the rules of natural justice.

7. The writ petition must, therefore, fail because the alleged illegality, if any, has not resulted in substantial failure of justice within the meaning of Article 226(1)(c), as inserted by the Constitution (Forty Second Amendment) Act, 1972.

8. The writ petition is, therefore, rejected summarily.

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