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Court : Rajasthan

Decided On : Apr-15-1994

Reported in : 1994(1)WLN423

Judge : R. Balia and; P.K. Palli, JJ.

Appeal No. : D.B. Civil Writ Petition Nos. 1832, 1833, 1834, 1835, 1836 and 1837 of 1994

Appellant : Jagras Singh

Respondent : The State and ors.

Judgement :

R. Balia, J.

1. All these Writ Petitions are directed against the order dated 30.3.1994 passed by the Board of Revenue deciding 12 revisions petitions by a common order. Revisions No. 12/94, 13/94, 16/94, 17/94, 18/94 and 19/94 were by the allottees of different lands in question under the Rajasthan Colonisation-(Allotment & Sale of Govt. Land to Pong Dam Oustees and their Transfersees in the Indira Gandhi Canal Colony Area) Rules, 1972 and Revisions No. 21/94 to 26/94 were by the transferees of such allottees. By order dated 15.6.1992, the S.D.O. cancelled the allotment made in favour of original allottees on the ground that they were not in possession of the land in question and the land has been tranferred to some body

else and by another order dated 15.6.92, the S.D.O. passed an order under Rule 6A of the aforesaid Rules for making special allotment in favour of transferees by charging the price of land as fixed under the Rules.

2. By the impugned order, the Board of Revenue has set aside the orders of the S.D.O. cancelling the allotment to the original allottees and remanded the cases back to the S.D.O. for re- considering the whole matter again in accordance with law. As the question of special allotment to tranferees from those whose allotments were cancelled was directly dependent on the fate of proceedings for cancellation by allotment. In the revision filed by the transferees also, the Board of Revenue passed an order for sending of the case back to the S.D.O. for deciding the entire matters afresh in accordance with law. The Board of Revenue also observed that as a result of cancellation the land would not automatically revert to the State Government and modified the order of RAA by deleting that part by which it was declared that the land automatically stood reverted to the State.

3. In this view of the matter the position has been brought to the stage as was obtaining on 15.6.92, that is to say the allotment stood in favour of the original allottees and the possession of the land was with the transferees from the allottees. Obviously once the allottees have transferred the land and put the transferees in possession, which under law could be regularised in the absence of any order of reversion to the said land, would not revert to the original allottees as a result of the order passed by the Board of Revenue but would revert to the transferees who were in possession of the land when the impugned order dated 15.6.92 had been passed against the allottees. If the allotment in favour of allottees stands and irregularity in transfers is regularised, the petitioner's position will be that of a person desiring title from transferor allottee. Otherwise their status will be of allottees from the State. In either case their possession is protected. That being he result of the order of Board of Revenue, we are of the opinion that the order under challenge is not adverse to the petitioners and no interference is called for in this petition.

4. The Writ Petitions are, accordingly, disposed of in the light of the observations made above.

