

Durga Ram and anr. Vs. the State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Jan-11-1999

Reported in : 1999(2)WLC608; 1999(1)WLN59

Judge : B.J. Shethna, J.

Appeal No. : S.B. Civil Writ Petition No. 60 of 1999

Appellant : Durga Ram and anr.

Respondent : The State of Rajasthan and ors.

Disposition : Petition dismissed

Judgement :

B.J. Shethna, J.

1. Short question arises in this petition is that, 'whether the purchasers would be entitled to challenge the order passed by the Board of Revenue by which a reference was accepted for a 'deity' land in absence of sellers as a party to these proceedings?'

2. Learned Counsel Shri Jakhar vehemently argued that the Board of Revenue had not given any opportunity of hearing and without hearing them, the reference was accepted. From the impugned order at Annexure-6 dated 12.3.92 passed by the Board of Revenue, it clearly appears that though served, no one remained

present before the Board of Revenue. Learned Counsel Shri Jakhar tried to submit that they were not duly served in as much as no notice was received by them from the Board of Revenue when the reference was made to it. He submitted that in review petition this point was specifically taken. However, the Board of Revenue brushed aside the same by stating that they were duly served. From para 3 of the review order (Annex. 8) passed by the Board of Revenue it is clear that the petitioners were duly served and there was no practice of issuing fresh notice by the Board of Revenue to remain present before it when the Collector has already informed about the reference being made to the Board of Revenue. Hence, the first submission made by Mr. Jakhar has no substance and it is rejected. Relying upon the judgment of this Court in case of Ram Lal and Anr. v. Board of Revenue and other and allied matters reported in 1991 (1) RRD page 6 it was submitted that after the resumption of Jagir the land should be treated as Khatedari land of the tenants. From the facts stated in the order passed by the Board of Revenue it clearly appears that it was deity land which was sold by Pujari, who has no right as the 'deity' has a status of minor. However, Mr. Jakhar submitted that the persons from whom the petitioners purchased the land were themselves cultivating the land and they were not the Pujari. Be that as it may, the petitioners themselves have not chosen either to implead them as a party respondent before the Board of Revenue or before the Collector. In any case, the petitioners, being the purchasers of the land, who have purchased the land belonging to deity, have no right to make any grievance when the reference was accepted by the Board of Revenue.

3. Going through the orders passed by the Collector as well as the Board of Revenue and the order passed by the Board of Revenue in review petition, it cannot be said that they have committed any error much less error on law or jurisdictional error which requires to be rectified by this Court in its supervisory powers under Article 227 of the Constitution of India. As held by the Apex Court in case of Mohd. Yunus v. Mohd. Mustkim : [1984]1SCR211 even an error of law cannot be corrected by this Court in its powers under Article 227 of the Constitution. 'In this case, no such error has been committed by the Court below.

4. In view of the above, this petition fails and is dismissed. Stay application also stands dismissed.

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