

Sukhdev Singh Vs. State of Raj. and ors.

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Court : Rajasthan

Decided On : Dec-02-1998

Reported in : 1999(1)WLN21

Judge : B.J. Shethna, J.

Appeal No. : S.B. Civil Writ Petition Nos. 4072, 4073, 4074 and 4075/98

Appellant : Sukhdev Singh

Respondent : State of Raj. and ors.

Advocate for Pet/Ap. : Shri. Kharlia

Disposition : Petition dismissed

Judgement :

B.J. Shethna, J.

1. All these four petitions are disposed of by this common order as the common impugned order dated 8.9.1998 (Annex.9) passed by the Addl. District Collector (Admn.), Sri Ganganagar, is challenged in all these petitions.

2. The learned Counsel Shri Kharlia appearing for the petitioners in all these petitions submitted that all these petitioners are absolutely poor and they have been sought to be thrown out from the plots on which they have made the

construction also, which were allotted to them lawfully by the Sarpanch of the Gram Panchayat on 27.7.1997 by charging Rs. 4445/- from each of the petitioners. Shri Kharlia also submitted that it was the abadi land which was in possession of the petitioners since long, therefore, by way of private negotiation with the Sarpanch of the Gram Panchayat-respondent No. 2, the plots of 100x80 were allotted to each petitioner. He submitted that against such order, an appeal was maintainable and not revision before the Collector, therefore, the impugned common order dated 8.9.1998 (Annex.9) passed by the Addl. District Collector (Admn.), Sri Ganganagar is bad in law and liable to be set aside.

3. From the impugned common order passed by the Addl. District Collector (Admn.), Sri Ganganagar, it clearly appears that the school land had been...but in a most suspicious circumstances allotted to all these four persons by the Sarpanch of the Gram Panchayat-respondent No. 2 for a meagre amount of Rs. 4445/-. The petitioners, who have been said to be poor, have spent Rs. 76,000/-, Rs. 73,000/- Rs. 70,000/- and Rs. 67,000/- respectively, for their construction over such plots immediately after they got the plots in 1997 and on a technical ground that appeal was maintainable and not revision, the protection is sought from this Court in all these writ petitions.

4. There are advantages and also disadvantages of the Panchayat Raj. These cases are of glaring examples of the powers vested with the Sarpanch, who without any hesitation sold away the plots which belong to 'school' for a meagre amount of Rs. 4445/-. These are the petitioners, who first made the encroachment on the Government land and after managing with the Sarpanch of the Gram Panchayat and putting up the construction, claimed protection which cannot be granted atleast from this Court. The extra-ordinary jurisdiction under Article 226 of the Constitution of India is not meant for such type of dishonest persons, who managed with the Sarpanch and get the plots by such tactics and paying a meagre amount of Rs. 4445/-. It is to be stated that if the respondent No. 4 had not brought to the notice of this fraud, then they would have never been dispossessed from the land and the Addl. District collector (Admn.), Sri Ganganagar would never have passed such order on 8.9.1998.

5. In my opinion, the Addl. District Collector (Admn.), Sri Ganganagr has not committed any error while passing the impugned common order dated 8.9.1998 (Annex.9), which calls for interference by the hands of this Court in exercise of the powers under Article 226 of the Constitution of India.

6. In view of the above discussion, all these writ petitions fail and are dismissed.

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