

Mukhtiyar Singh Vs. State

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Court : Rajasthan

Decided On : Mar-27-1995

Reported in : 1995(1)WLN678

Judge : R.S. Kejriwal and; R.R. Yadav, JJ.

Appeal No. : D.B. Spl. Appeal No. 84, 119, 220, 121, 130 205, 996, 997, 1098, 1140 and 1144 of 1986, 1987 and 199

Appellant : Mukhtiyar Singh

Respondent : State

Disposition : Appeal dismissed

Judgement :

R.R. Yadav, J.

1. The petitioner-appellants challenged the vires of Section 13 and 13 A of the Rajasthan Colonisation Act, 1954 (hereinafter referred to as the 'Act'), before the learned Single Judge by filing separate writ petitions on the ground that they are violative of Articles 14, 19(1)(F) and 21 of the Constitution of India.

2. The learned Single Judge vide his common judgment dated 24.2.1986, dismissed the writ petitions and held that the aforesaid Sections are valid. Being aggrieved with the said order the petitioner-appellants have filed these Special

Appeals under Section 18 of the Rajasthan High Court Ordinance. As common questions of law are involved in these appeals, they are decided by one judgment.

3. We have heard counsel for the parties and gone through the judgment of the learned Single Judge and also the record of the case. In our opinion Section 13 (1) of the Act, does not create any absolute bar for the transfer of rights or interest in the lands but it provides that no tenant shall transfer his rights or interests vested in him by or under the Act without the consent in writing of the collector, meaning thereby that a tenant can transfer the land if permitted by the Collector. Sub-Section (2) of Section 13 provides that any transfer in contravention of Sub-Section (1) of Section 13 shall be void. In our opinion, Section 13 has been enacted on the basis of public policy. The restrictions imposed for the transfer of tenancy rights are reasonable. The validity of this Section has already been upheld by this Court in the judgment reported in 1984 R.L.R., 456, Vedparkash V State of Rajasthan. We agree with the reasons given in the aforesaid judgment and hold that Section 13 of the Act is valid and not violative of the aforesaid articles of the Constitution of India. In our opinion, Section 13-A which provides for regularisation of transfers on certain terms and conditions is also not violative of any article of Constitution of India. There is no force in these appeals. Consequently, they are dismissed.

4. No order as to costs.