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Mohan Lal Vs. State

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Court : Rajasthan

Decided On : Jan-08-1985

Reported in : 1985WLN(UC)251

Judge : Dwarka Prasad Gupta, Acting C.J.

Appeal No. : S.B. Civil Writ No. 1921 of 1975

Appellant : Mohan Lal

Respondent : State

Disposition : Petition dismissed

Judgement :

Dwarka Prasad Gupta, Acting C.J.

1. In this writ petition the petitioner has challenged the validity of the provisions of Section 7-A of the Rajasthan Land Reforms (Acquisition of Land Owners' Estate) Act, 1964 as introduced by the Amendment Act No. 15 of 1975. The validity of the provisions of Section 7-A has already been upheld by a Division Bench of this Court in State of Rajasthan and Ors. v. Smt. Gayatri Devi and Ors. 0043/1980 . Moreover, the Rajasthan Land Reforms (Acquisition of Land Owners' Estate) Act (Act No. 11 of 1964) has been included in the Ninth Schedule to the Constitution and the validity of the provisions of the aforesaid Act including Section 7-A, there of which was introduced by amendment with retrospective effect, is no longer open

to challenge. The petitioner came forward on the basis of a sale alleged to have been made by the former Ruler of Jodhpur in favour of the petitioner in the month of August, 1964 prior to the date of vesting, namely, September 1, 1964, However, Section 7-A of the Act, as introduced by Amending Act No. 15 of 1975 with retrospective effect, provides that no transfer of estate liable to acquisition under the Act or any part thereof made by the land owner on or after the date of commencement of the Act and before the date of vesting would be recognised for any purpose of that Act and the estate or part so transferred shall be deemed to continue to vest in the land owners. Thereafter Section 8 provides that such land shall stand vested in the State Government, on the ground that it would be deemed to have continued to vest in the land owner, on the date of vesting. The Act came into force on April 13, 1964 and the date of vesting notified was September 1, 1964. As such all transactions between April 13, 1964 and prior to September 1, 1964 shall be governed by Clause (1) of Section 7A of the Act and any transfer of such land shall not be recognised for the purpose of the Act and such land shall be deemed to continue to vest in the land owner inspite of the alleged transfer. Thus, the sale-deed executed by the former Ruler of Jodhpur in favour of the petitioner in the month of August, 1964 was of no value and the petitioner cannot get any benefit from the alleged sale nor any rights could be created in the petitioner in respect of the land in question on the basis of the sale-deed executed by the former Ruler of Jodhpur State in favour of the petitioner.

2. In this view of the matter the writ petition has no force and is dismissed. The parties are left to bear their own costs.

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