
Smt. Rama Vs State of Rajasthan

Spl. ApplWrit Nos. 582 and 583 of 2016

Court: RAJASTHAN HIGH COURT

Date of Decision: Nov. 16, 2016

Acts Referred:

Constitution of India, 1950 - Article 226#Rajasthan Panchayati Raj Act, 1994 - Section 97

Citation: (2017) 2 WLN 348

Hon'ble Judges: Navin Sinha, CJ. and Mr. Sanjeev Prakash Sharma, J.

Bench: Division Bench

Advocate: Mr. A.K. Choudhary, Advocate, for the Appellant; Mr. P.R. Singh, Mr. Manish Patel and Mr. Prakash Tatia, Advocates, for the Respondents

Final Decision: Dismissed

Judgement

@JUDGMENTTAG-ORDER

1. Since both these appeals involve a very short question and there is a marked similarity on facts, they have been heard together and are being

disposed by a common order.

2. The present appeals assail order dated 25.04.2016 dismissing S.B. Civil Writ Petitions No.5336/2011 & 5337/2011 respectively, declining

interference with the revisional order dated 05.04.2002 of the Collector, in turn declining to set aside the patta granted by the Gram Panchayat in

favour of respondent No.2.

3. Learned counsel for the appellant submits that even if the learned Single Judge has granted him liberty to pursue the civil suit in respect of title to

the lands, so long as the revisional order confirming the grant of patta to respondent No.2 is not set aside, no relief can ultimately flow to the

appellant as the land would remain in the possession of the respondent No.2.

4. Learned counsel for the respondents have rightly pointed out that the learned Single Judge has made more than adequate observations in the

penultimate paragraph of the order under appeal that it would be open for the appellant to raise all issues in the pending suit filed by him including

with regard to the grant of patta to be decided without being influenced or taking into consideration the order passed by the Collector in the

revisional jurisdiction. Any application for condonation of delay before the Civil Court shall be considered in accordance with law.

5. We find no reason to interfere with the orders under appeal. The appeals are dismissed.