HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

D.B. Spl. Appl. Writ No. 170/2021

Urban Improvement Trust, Udaipur, Through Its Secretary, Urban Improvement Trust, Udaipur

----Appellant

Versus

1. Sandeep S/o Unkarraj Gurjar, Resident Of Kasaron Ki Oal, Jagdish Chowk At Present Residign At Dhabai House, Dewali, Goverdhan Vilas, Opp Police Station, Tehsil Girwa, District Udaipur.
2. Rishiraj S/o Unkarraj Gurjar, Resident Of Kasaron Ki Oal, Jagdish Chowk At Present Residign At Dhabai House, Dewali, Goverdhan Vilas, Opp Police Station, Tehsil Girwa, District Udaipur.
3. Gajendra S/o Unkarraj Gurjar, Resident Of Kasaron Ki Oal, Jagdish Chowk At Present Residign At Dhabai House, Dewali, Goverdhan Vilas, Opp Police Station, Tehsil Girwa, District Udaipur.
4. State Of Rajasthan, Through District Collector, Udaipur.
5. Tehsildar, Girwar, District Udaipur.

----Respondents

For Appellant(s)	:	Mr. Vijay Purohit
For Respondent(s)	:	Mr. JM Choudhary

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

24/02/2026

1. By way of this appeal the UIT assails the judgment passed by the learned Single Judge dated 07.01.2021 whereby he upheld the judgment passed by the Board of Revenue dated 04.03.2020 affirming the judgment and decree dated 17.08.2012 passed by

the Revenue Appellate Authority, Udaipur in appeal No. 54/2012 against the order of the SDO.

2. Learned counsel for the appellant submits that all the courts below have committed an error in recording the land situated in Khasra No.1847 in the name of the Khatedars as the same was recorded as Bilanaam and thereafter was alloted to the UIT. The name of UIT, Udaipur was entered in Khasra No.1847 ad-measuring 2.78 hectares was recorded in Khatedari of UIT.

3. We notice that all the Courts below have given a factual finding and have reached to a common conclusion that the predecessors of the plaintiffs have filed a revenue suit before the SDO, Girwa, District Udaipur for declaration stating that their predecessor Meghraj was having 20 bighas of Khatedari land of Khasra Nos. 604, 606, 609, 615, 622 and 624/3 and his name as Khatedar was entered in the revenue record. Out of the said 20 bighas of land, Meghraj has sold 16 bighas of land to one Mohan Lal through a registered sale-deed and Mohan Lal was recorded as co-tenent having 4/5th share in the said land. During settlement proceedings, the Khasra Nos. were converted to Araji Nos. 1830, 1831, 1833, 1834, 1835 and 1847. While land situated in Khasra Nos.1830 to 1835 were recorded as private land, land of Khasra No.1847 has been recorded as Bilanaam. However, while in the earlier Khasra Nos. land mentioned was measuring 4.3212 hectares, the private land mentioned in Khasra Nos. 1830 to 1835 was shown to be 3.4500 hectares only. Thus, the 0.8712 hectares of land was not recorded in name of the persons who were having Khatedari in erstwhile Khasra Nos. 604, 606, 609, 615, 622 and 624/3. Considering these aspects, the Courts below have reached

to the conclusion that the new Khasra No. 1847 would also be required to be recorded in the Khatedari of the erstwhile Khatedars and there has been an error while recording the names during the new settlement. It is also noticed that apart from the record, Mauka report was also procured by the Court and on that ground too, the land was found to be not available in the new Khasra Nos.1830 to 1835. Thus, after having given a factual finding, the appeal was allowed by the Revenue Appellate Authority which has been confirmed by the Board of Revenue and by the Learned Single Judge.

4. We do not find any question of law required to be examined by us in this present appeal nor we find that there is any perversity in the factual findings. No case for interference is made out.

5. The present special appeal is dismissed.

6. All pending applications also stand disposed off.

(BALJINDER SINGH SANDHU),J **(SANJEEV PRAKASH SHARMA),ACJ**

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