

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

S.B. Civil Writ Petition No. 3939/1997

Bhawani Singh And Ors

-----Petitioner

Versus

State of Rajasthan & Ors

-----Respondent

For Petitioner(s) : Mr. JL Purohit, Sr. Advocate

For Respondent(s) : Mr. RD Bhadu

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

03/01/2022

The question arose before this Court is that Malam Singh, original owner, against whom ceiling proceedings were initiated died even before notice was served upon him.

Counsel for the petitioner submits that no proceedings of ceiling could have been continued against a dead person, however, counsel for the respondent submits that his son Mohan Singh, who claimed himself to be sole owner has been rightly proceeded against.

Government counsel is unable to explain para-6 of impugned judgment dated 31.07.1997, in which, the court has recorded four heirs of Malam Singh and once there are four existing heirs, as recorded by the court itself, then how proceedings could solely be initiated against only one heir, is question to be determined.

Mr. Bhadu, counsel for the State, seeks some time to satisfy this Court regarding initiation of proceedings against Mohan Singh alone amongst the four surviving heirs, who are on record in the impugned order as well as in the pleadings.

Time prayed for is allowed.

List on 24.01.2022.

(DR.PUSHPENDRA SINGH BHATI),J.

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RAJASTHAN HIGH COURT



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