

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 13386/2016

1. State Of Rajasthan The Deputy Secretary Colonization, Colonisation Department, Secretariat, Jaipur.
2. The Assistant Commissioner, Colonization, Mohan Garh-B, Jaisalmer, Bikaner Raj.
3. Tehsildar Colonisation, Mohan Garh-B, Jaisalmer Rajasthan

-----Petitioners

Versus

1. The Board Of Revenue, Rajasthan, Ajmer Raj.
2. Prakash Chand S/o Satya Deo Kumhar, Govindsar, Tehsil Kolayat, District Bikaner.

-----Respondents

For Petitioner(s)	:	Mr. Siddharth Pandey for Mr. Sanjay Raj Paliwal, GC
For Respondent(s)	:	Mr. L.D. Khatri

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/03/2026

By way of filing the present writ petition, the petitioners have prayed for the following reliefs:-

"It is, therefore, humbly prayed that this writ petition may kindly be allowed and by issuing an appropriate writ, order, or direction:

- 1. The impugned judgment/order dated 9th May 2013 (Annex.) passed by the learned Board of Revenue in Revision/Colo/735/2008/Jaisalmer may kindly quashed and set aside: ..."*
2. Having heard learned counsel for the parties and upon perusal of the material available on record, this Court finds that the command land allotted to the petitioner in Chak 11 (BLM), Murabba No. 111/58, Rakba 24 Bigha 5 Biswa, on 22.03.1993

under the provisions of the Rajasthan Colonization (Allotment and Sale of Land under Indira Gandhi Canal Project) Rules, 1975, and the order conferring khatedari rights dated 16.02.2001, was cancelled by the Commissioner, Colonization, Bikaner, vide order dated 19.01.2007, on the ground that the petitioner was not eligible for such allotment, as he did not belong to the concerned area and was, in fact, a resident of Fazilka (Punjab).

3. The order dated 19.01.2007 passed by the Commissioner, Colonization, Bikaner, was challenged by respondent No. 2 before the learned Board of Revenue, Rajasthan, Ajmer, by way of Revision No. 735/2008/Jaisalmer titled "Prakash Chand vs. State of Rajasthan" on various grounds. The learned Board of Revenue, after hearing the parties, vide order dated 09.05.2013, set aside the order dated 19.01.2007 on the ground that cancellation of land allotment made in favour of respondent No. 2 in the year 1993 would not be proper, particularly when khatedari rights had already been created in his favour. The learned Board also recorded a finding that the order of cancellation could have been passed only by the allotting authority under Rule 22(3) of the Rules of 1975, if any irregularity had been brought to its notice; however, in the present case, the order was passed by the Colonization Commissioner. Further, prima facie, no material was available on record to indicate that respondent No. 2 was not a resident of Rajasthan.

4. It is settled law that orders passed by the learned Board of Revenue, Rajasthan, are ordinarily not to be interfered with unless they suffer from jurisdictional error, perversity, or violation of principles of natural justice. In the opinion of this Court, no such

ground is made out in the present writ petition. Interference with the order passed by the learned Board of Revenue merely to substitute another view or to afford a rehearing would not be justified.

5. Thus, this Court is not inclined to interfere with the impugned order dated 09.05.2013 passed by the learned Board of Revenue, Rajasthan, Ajmer, in exercise of its jurisdiction under Articles 226/227 of the Constitution of India.

6. In the result, the present writ petition, along with all pending applications, stands dismissed.

(KULDEEP MATHUR),J