

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 3550/2001
CNR: RJHC020175762001 | URN: CW / 6278U / 2001

- 1. Jaipur Nagar Nigam through Commissioner, Moti Dunagari Zone, Ghaggate Jaipur
- 2. State of Rajasthan, through Director, Land and Building Tax Department, Vitta Bhawan, Jyoti Nagar, Jaipur

-----Petitioners

Versus

- 1. M/s. Rajasthan Patrika, Keshargarh, Jawahar Lal Nehru Marg, Jaipur.
- 2. Divisional Commissioner, Jaipur Division, Jaipur, Mini Secretariat, Bani Park, Jaipur.
- 3. Director (Appeals), Land and Building Tax Department, Vitta Bhawan, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. G.S.Gill, AAG with Ms. Shikha Sharma, AAAG
For Respondent(s)	:	Mr. Anant Kasliwal, Sr.Adv. With Mr. Vaibhav Kasliwal, Mr. Shashank Kasliwal, Mr. Raghav Krishnatri & Ms. Divisha Mishra

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

Order

27/07/2026

1. The challenge in this petition is to the order passed by Divisional Commissioner, Jaipur dated 27.11.2000 whereby the revision petition filed by the Assistant Director (Moti Dungari Zone), Land and Building Tax Department, Jaipur was dismissed on the ground of delay and laches as well as on the ground that the Assistant Director was not authorized to file the revision petition.

2. Learned counsel for the State has invited our attention to an order dated 18.10.1993 passed by the Director, authorizing the Assistant Director, Land and Building Tax Department, Jaipur to file pleadings and also place on record the documents in relation to the case of **M/s Rajasthan Patrika Pvt. Ltd., Jaipur Vs. Assistant Director, Land and Building Tax, Moti Dungari Zone, Jaipur** with further directions to the Assistant Director to consult the Government Advocate who was handling the said case. Learned counsel further submits that the said order implies powers to be given to the Assistant Director to file revision petition also.

3. We, however, find that in the application under section 22, filed by the Assistant Director seeking condonation of delay, mentions that the order dated 12.05.1993 was dealing with reference to another case and further letters were sent to clarify the same and also to make available grounds for filing of the revision petition. It appears that sanction was granted on 03.07.1993 to file revision petition and on 18.10.1993, orders were issued for appointing an advocate. However, the reference for filing a fresh case is not available in the order dated 18.10.1993 and it is regarding pending case in which directions have been issued to plead the case on behalf of the State. The application itself is misleading and in fact there is no direction or power given to the Assistant Director to file a revision petition against the order dated 17.03.1992.

4. We also notice that the order dated 17.03.1992 was not complied with for four years and eight months, and no reasons have come forward for not complying with the order, in fact, the

Commissioner has observed that this case is a stark example of an abuse of process of law. We do not have any reason to defer from his observations considering that the order was passed in the year 1992 and for four years nothing was done by the Department. We also noticed that subsequently the High Court in **D.B. Civil Writ Petition No.55/1998 decided on 12.03.2001 reported in AIR 2001 Raj286** held the provision of Section 13(1)(b) and 15(b) as ultra vires.

5. We are not dealing further in the case as the order of 1992 has attained finality in all respects.

6. Accordingly, the present petition is dismissed.

7. All pending application(s), if any, also stand dismissed.

(BHUWAN GOYAL),J

(SANJEEV PRAKASH SHARMA),ACTING CJ