

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Special Appeal (Writ) No. 631/2025

In

S.B. Civil Writ Petition No.4760/2020

M/s Sanskar Land Developers Pvt. Ltd., Through Director Riya K. Thariyamal W/o Kanhaiyalal Thariyamal, R/o Plot No.4B, Civil Lines, Jaipur

----Appellant

Versus

1. State Of Rajasthan, Through Collector (Revenue), Jaipur (Rajasthan)
2. Prabhunarayan Bagra S/o Shri Ganesh Narayan, R/o Sirshi Tehsil Jaipur (Since Deceased) Through His Legal Heirs
 - 2/1 Parwati Devi, W/o Prabhu Narayan
 - 2/2 Anil Kumar Adopted Son Prabhu Narayan, (Since Deceased) Through His Legal Heir
 - 2/2/1 Anita Devi, W/o Late Anil Kumar
 - 2/2/2 Pramod, S/o Late Anil Kumar
 - 2/2/3 Mayuri D/o Late Anil Kumar,
(Both No. 2/2/2 And 2/2/3 Are Minor Through Their Mother And Natural Guardian Smt. Anita Devi R/o Sirshi, Tehsil And District Jaipur)
3. Krishna Gopal Rungta S/o Mahavir Prasad Rungta, R/o Man House, Sardar Patel Marg, Jaipur (Since Deceased) Vide Order Dated 09.02.2026
4. Bhagwana S/o Dula Meena, (Since Deceased) Through His Legal Heirs
 - 4/1 Jagdish, S/o Bhagwana
 - 4/2 Babulal S/o Bhagwana,
All R/o Meenawala, Tehsil And District Jaipur.
5. Ramchandra S/o Shyobuksh Meena, (Since Deceased) Through His Legal Heirs
 - 5/1 Ramnarayan, S/o Ramchandra
 - 5/2 Ramkumar, S/o Ramchandra
 - 5/3 Ravikumar, S/o Ramchandra
 - 5/4 Rajaram S/o Ramchandra,

All R/o Meenawala, Tehsil Jaipur.

6. Laduram S/o Ganesh Meenawala, Tehsil Jaipur.
7. Chanda S/o Laxman, (Since Deceased) Through His Legal Heir
 - 7/1 Laduram, S/o Chanda
 - 7/2 Bhagwan Sahai, S/o Chanda
 - 7/3 Nanulal, S/o Chanda
 - 7/4 Gyarsi Devi, , D/o Chanda
 - 7/5 Panchi Devi, W/o Chanda,
R/o Meenawala, Tehsil And District Jaipur.
8. Chouth S/o Chanda, (Since Deceased) Through His Legal Heir
 - 8/1 Jagdish, S/o Ramnarayan
 - 8/2 Gopali, D/o Ramnarayan
 - 8/3 Manbhar, D/o Ramnarayan
 - 8/4 Mamta, D/o Ramnarayan
 - 8/5 Posh Devi, W/o Ramnarayan
 - 8/6 Chitar, S/o Chothu
 - 8/7 Kalyani, D/o Chothu
 - 8/8 Bardi, D/o Chothu
 - 8/9 Ganga, D/o Chothu
 - 8/10 Babudi, D/o Chothu
 - 8/11 Dhapu D/o Chouth, (Since Deceased) Through His Legal Heirs
 - 8/11/1 Chitar, S/o Chothu
 - 8/11/2 Jagdish, S/o Ramnarayan
 - 8/11/3 Parwati Devi W/o Ramnarayan,
All Are Resident Of Panchyawalai Dhani, Tehsil And District Jaipur.
9. Bhorya S/o Chanda, (Since Deceased) Through His Legal Heirs
 - 9/1 Rewar, D/o Bhorya
 - 9/2 Mahadev S/o Bhorya, (Since Deceased) Through His Legal Heirs
 - 9/2/1 Prabhati, W/o Mahadev

- 9/2/2 Ladhu Ram, Adopted S/o Mahadev
- 9/3 Narayani, D/o Bhorya
- 9/4 Chota D/o Bhorya, R/o Panchyawalai Dhani, Tehsil And District Jaipur
- 9/5 Bachi Devi D/o Bhorya, R/o Panchyawalai Dhani, Tehsil And District Jaipur
- 9/6 Nangdi W/o Bhorya, R/o Panchyawalai Dhani, Tehsil And District Jaipur
- 9/7 Kajod S/o Ram Kunwar, R/o Panchyawalai Dhani, Tehsil And District Jaipur
- 9/8 Ladu S/o Ram Kunwar, R/o Panchyawalai Dhani, Tehsil And District Jaipur
- 9/9 Bhawan S/o Ram Kunwar, R/o Panchyawalai Dhani, Tehsil And District Jaipur
- 9/10 Mukesh S/o Ram Kunwar, R/o Panchyawalai Dhani, Tehsil And District Jaipur
- 9/11 Meena D/o Ram Kunwar, R/o Panchyawalai Dhani, Tehsil And District Jaipur
- 9/12 Chota Devo W/o Ram Kunwar, R/o Panchyawalai Dhani, Tehsil And District Jaipur All R/o Panchyawalai Dhani, Tehsil And District Jaipur
10. Anil Special Steel Industry Limited, Village Kanakpura Post Meenawala Tehsil And District Jaipur Through Chairman And Managing Director Suhdir Khetan S/o S. L. Khetan R/o 17/1 Vrandawan Civil Lines, Opp. Raj Bawan Jaipur.
11. Ramchandra S/o Ganga Baksh, (Since Deceased) Through His Legal Heirs
- 11/1 Narayan S/o Ramchandra, (Since Deceased) Through His Legal Heirs
- 11/1/1 Babulal, S/o Narayan
- 11/1/2 Suresh, S/o Narayan
- 11/1/3 Ramjilal, S/o Narayan
- 11/1/4 Choti Devi, W/o Narayan
- 11/2 Sitaram, S/o Ranchandra
- 11/3 Rampal S/o Ramchandra, (Since Deceased) Through His Legal Heirs

- 11/3/1 Pooranmal, S/o Rampal
11/3/2 Shankar Lal, S/o Rampal
11/3/3 Hemraj, S/o Rampal
11/3/4 Santidevi, W/o Rampal
11/4 Ramniwas S/o Ramchandra, All R/o Meenawala, Tehsil
And District Jaipur.

----Respondents

For Appellant(s)	:	Mr. S.S. Hora with Mr. Aatish Jain
For Respondent(s)	:	Mr. G.S. Gill, Additional Advocate General assisted by Ms. Shikha Sharma, AAAG

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

Judgment

Date of conclusion of arguments	:	08/05/2026
Date on which judgment was reserved	:	08/05/2026
Whether the full judgment or only the operative part is pronounced	:	Full Judgment
Date of pronouncement	:	<u>09/06/2026</u>

(Per Hon'ble the Acting Chief Justice)

Factual matrix of the case:-

1. The present special appeal (writ) has been filed challenging the order dated 30.04.2025 passed by the learned Single Judge whereby, the writ petition filed by the Respondent No. 1 was disposed of and the order dated 03.05.2019 passed by the Board of Revenue, Ajmer (Rajasthan) was quashed and the matter was remitted for fresh adjudication.

2. The brief facts of the case are that the land marked as Khasra No.37 admeasuring 10 Bigha 4 Biswa, Khasra No.42 admeasuring 13 Bigha 1 Biswa, Khasra No.34/480 admeasuring 1

Bigha 10 Biswa and Khasra No.115 admeasuring 7 Bigha 15 Biswa, total admeasuring 32 Bigha 10 Biswa, situated at Village Meenawala, Tehsil Jaipur, was originally held by Bhagwan son of Doola, Ramchandra son of Shyobax, Laduram son of Ganesh, Chanda son of Laxman and Bhorya son of Chanda, all belonging to Meena community, which has been notified as Scheduled Tribe. The aforesaid khatedars alienated the land in favour of Prabhu Narayan Bagra son of Ganesh Narayan, Resident of Sirsi, Tehsil Jaipur, belonging to General Category, by way of a sale deed executed on 17.07.1961, which subsequently came to be registered on 12.09.1961. Consequent upon the aforesaid transactions, Mutation Nos.14 and 15 were opened in the name of Prabhu Narayan Bagra on 21.08.1963 in the revenue record and since thereafter, the said land has always been recorded in the khatedari of Non – ST Category individuals.

3. Further, after acquisition of khatedari rights, Prabhu Narayan Bagra transferred the aforesaid land in favour of Shri Krishan Gopal Rungta through a registered sale deed dated 04.12.1961.

4. On 19.04.1974, State Government acquired land bearing Khasra No.115 admeasuring 7 Bigha 15 Biswa. Another Khasra No.42/481 was also acquired for RIICO (hereinafter referred to as 'RIICO') and both were mutated vide Mutation No.77 on 03.09.1977 in the name of RIICO.

5. Thereafter, the State of Rajasthan through Tehsildar initiated proceedings under Section 175 of the Rajasthan Tenancy Act, 1955 (hereinafter referred to 'the Act of 1955') alleging that the aforesaid transfers were in contravention of Section 42 of the Act of 1955 thereby seeking ejectment for illegal transfer of the land.

The said proceedings were registered as Case No.120/1977 titled as State of Rajasthan versus Prabhu Narayan.

6. Upon consideration of the matter, the competent revenue court, vide order dated 28.03.1978, dismissed the proceedings instituted by the State on account of limitation, which was at that time 12 years in espousing the said cause of action.

7. The order dated 28.03.1978 passed in Case No.120/1977 was not assailed by the State Government or any of its authorities/instrumentalities and consequently, the said order thus attained finality.

8. Subsequently, after a delay of nearly seventeen years, respondent No.1-State through the Collector (Revenue), Jaipur moved an application in the year 1995 under Section 82 of the Rajasthan Land Revenue Act, 1956 (hereinafter referred to as 'the Act of 1956') seeking reference of the matter to the Board of Revenue, Rajasthan, Ajmer. The said application ultimately came to be allowed vide order dated 05.10.2001 and the reference was accordingly transmitted to the Board of Revenue, Rajasthan, Ajmer, with directions to the parties to appear before it on 06.12.2001.

9. During pendency of the reference proceedings, an application under Order 1 Rule 10 CPC came to be preferred by Sudhir Khetan asserting therein that land marked as Khasra No.115 and Khasra No.42/481 situated at Village Meenawala, Tehsil Jaipur had been allotted to him by RIICO and lease deeds in respect thereof had also been executed in his favour. On the strength of such allotment and leasehold rights, he claimed interest in the subject land and sought impleadment in the reference proceedings. The

said application was allowed vide order dated 21.03.2014 and he was accordingly impleaded as party to the proceedings. Thereafter, the said impleaded respondent moved a further application praying that proceedings insofar as they related to Khasra No.115 and Khasra No.42/481 be dropped on the ground that the said lands had already been converted for industrial purposes and had ceased to retain the character of "*agricultural land*" within the meaning of Section 5(24) of the Act of 1955. The aforesaid application came to be accepted vide order dated 15.01.2015 and consequently land comprised in Khasra No.115 admeasuring 7 Bigha 15 Biswa was excluded from the purview of the reference proceedings.

10. Against the aforesaid order dated 15.01.2015, a review petition came to be filed by respondent-Hemraj Meena. Subsequently, on 26.05.2016, an application was moved seeking withdrawal of the said review petition. However, the prayer for withdrawal was declined and it was ordered that the State Government be substituted in place of the original review petitioner. The review petition thereafter came to be adjudicated on merits and ultimately stood dismissed vide order dated 21.07.2017.

11. In the meanwhile, the present appellant had bonafidely purchased part of the land comprised in the aforesaid khasra numbers through registered sale deed dated 23.04.2003. Upon acquiring knowledge regarding pendency of the reference proceedings before the Board of Revenue, Rajasthan, Ajmer, the appellant moved an application seeking impleadment as party respondent in the said proceedings and the application was

allowed and the appellant was accordingly impleaded as respondent in the reference.

12. The reference proceedings were thereafter heard finally on merits by the Board of Revenue and came to be dismissed vide detailed order dated 03.05.2019. Aggrieved thereby, the State of Rajasthan through Collector (Revenue), Jaipur instituted S.B. Civil Writ Petition No.4760/2020 titled as **State of Rajasthan versus Prabhu Narayan Bagra & Ors.** before this Court. The learned Single Judge, vide judgment dated 30.04.2025, allowed the writ petition and remanded the matter to the Board of Revenue for fresh adjudication.

13. The said judgment dated 30.04.2025 is under challenge in the present appeal.

Submissions on behalf of the Appellant:-

14. Learned counsel appearing on behalf of the appellant submitted that the impugned judgment passed by the learned Single Judge is contrary to the settled principles governing exercise of reference/revisional jurisdiction after an inordinate delay. It was contended that although no specific period of limitation has been prescribed under Section 82 of the Act of 1956, yet it is a settled proposition of law that where the statute does not prescribe any limitation, the statutory authority is nevertheless required to exercise its jurisdiction within a reasonable period. In this regard, reliance was placed upon the judgment of the Hon'ble Supreme Court in **Ram Karan (Dead) through Legal Representative and Others. Versus State of Rajasthan and Others., (2014) 8 Supreme Court Cases 282**, wherein the Apex Court held that even in the absence of

prescribed limitation, statutory powers cannot be exercised after unreasonable delay and proceedings initiated after 31 years were liable to be rejected. Reliance was also placed upon the judgment of the Hon'ble Supreme Court in **Nathu Ram (Dead) by LRs. And Others Versus State of Rajasthan & Others, (2004) 13 Supreme Court Cases 585** to contend that even where transactions are alleged to be void under Section 42 of the Act of 1955, limitation principles would still apply and stale claims cannot be entertained after decades.

15. Learned counsel further relied upon the judgment of this Court in **Bhagwan Sahay and Others Versus State Government and Another, 2019 SCC OnLine Raj 7800**, wherein it was held that though Section 82 of the Act of 1956 does not prescribe any limitation, reference proceedings initiated after 41 years could not be sustained in law and vested rights accrued over decades cannot be unsettled after prolonged delay. Learned counsel submitted that the Hon'ble Supreme Court in **Santosh Kumar Shivgonda Patil and Others Versus Balasaheb Tukaram Shevale & Others., (2009) 9 Supreme Court Cases 352**, while interpreting revisional powers under the Maharashtra Land Revenue Code, 1966 held that even a delay of three years was beyond reasonable time where no limitation had been prescribed. Reliance was also placed upon the judgment of this Court in **Anandi Lal Versus State of Rajasthan & Others, (1996) 2 WLC 36 (Raj.)**, which was followed in the case of **Babu Singh Versus The Board of Revenue, (2009) 3 WLC 258 (Raj.)**, wherein this Court held that references initiated after

35 years were liable to be quashed on account of inordinate delay and laches.

16. It was further argued that the appellants are in settled possession of the land in question since decades and valuable rights have accrued in their favour. Any attempt to unsettle such possession after almost 40 years would result in grave prejudice and irreversible consequences. Reliance in this regard was placed upon the judgment of the Hon'ble Supreme Court in **Joint Collector Ranga Reddy District and Another Versus D. Narsing Rao and Others, (2015) 3 Supreme Court Cases 695**, wherein the Hon'ble Supreme Court held that delayed exercise of revisional jurisdiction is frowned upon in law as it results in uncertainty of rights and disturbance of settled positions. Learned counsel submitted that the report submitted by the Beri Commission had remained pending with the State Government for several years and neither any consequential proceedings were initiated nor any reference was made on the basis thereof for a considerable period of time. Such prolonged inaction, according to learned counsel, clearly demonstrated acquiescence on the part of the State and dis-entitled it from reopening the matter after decades.

17. Learned counsel for the appellant further submitted that the learned Single Judge committed manifest error in placing reliance upon the report of the Beri Commission while setting aside the order dated 03.05.2019 passed by the learned Board of Revenue. It was argued that the Beri Commission, constituted under the Commissions of Inquiry Act, 1952 (hereinafter referred to as 'the Act of 1952' was merely a fact-finding body and its report neither

possesses evidentiary value nor has any binding force in judicial proceedings. Reliance in this regard was placed upon the judgment of the Hon'ble Supreme Court in **State Bank of India through General Manager Versus National Housing Bank and Others, (2013) 16 Supreme Court Cases 538**, wherein it was held that findings of Commissions constituted under the Act of 1952 are not enforceable *proprio vigore* and courts are not bound by such findings. Reliance was also placed upon the judgment of the Hon'ble Supreme Court in **R. Venkatkrishnan Versus Central Bureau of Investigation, (2009) 11 Supreme Court Cases 737**, wherein the Hon'ble Supreme Court held that a Commission is merely a fact-finding authority and its report cannot be treated as substantive evidence without formal proof in accordance with law. Further reliance was placed upon the judgment of the Madras High Court in **P.P.M. Thangaiah Nadar Firm Versus The Government of Tamil Nadu, 2006 SCC OnLine Mad 874** to contend that reports of Commissions of Inquiry are merely advisory in nature and are not admissible as evidence before courts of law.

18. Learned counsel for the appellant has further submitted that the application filed in the year 1977 seeking reference and ejectment under Section 175 of the Act of 1955 had been dismissed on 28.03.1978, therefore, the State could not be allowed to again re-agitate the matter by taking recourse to the Beri Commission report. Since the issue stood finally adjudicated vide order dated 28.03.1978 by the competent Revenue Court, there was no occasion to again reconsider and re-examine the issue and the Board of Revenue has rightly rejected the reference

on the ground of delay of 34 years. It is thus submitted that the learned Single Judge has erred in remanding the matter back now again after so many years.

Submissions on behalf of the State-writ petitioners:-

19. Per Contra, learned counsel appearing on behalf of the State-writ petitioners supported the judgment passed by the learned Single Judge and submitted that the lands bearing Khasra No.37 measuring 10 Bigha 4 Biswa Khasra No.42 measuring 13 Bigha 1 Biswa, Khasra No.34/480 measuring 1 Bigha 10 Biswa and Khasra No.115 measuring 7 Bigha 15 Biswa and 32 Bigha 10 Biuswa situated at village Meenawala originally belonged to recorded khatedars namely Bhagwana, Ramchandra, Ladu, Chanda and Bhorya, all of whom belonged to the Scheduled Tribe category. It was submitted that despite the statutory prohibition contained under Section 42 of the Act of 1955, the aforesaid lands came to be transferred in favour of one Prabhu Narayan Bagra, a person belonging to the General Category, by way of registered sale deed dated 12.09.1961 and mutation entries were also subsequently entered in his favour.

20. Learned counsel further submitted that within a period of approximately three months, the said Prabhu Narayan Bagra further transferred the lands in favour of one Krishana Gopal Rungta vide registered sale deed dated 04.12.1961. It was also submitted that subsequently land bearing Khasra No.115 measuring 7.15 Bighas came to be acquired by the RIICO, whereafter mutation entries were entered in the name of RIICO.

21. Learned counsel argued that Section 42 of the Act of 1955 expressly prohibits transfer of land belonging to members of

Scheduled Castes and Scheduled Tribes in favour of persons belonging to the General Category and any transfer made in contravention thereof is *void ab initio* and *non est* in the eyes of law. It was contended that since the original transaction itself was void, no right, title or interest could legally accrue in favour of Prabhu Narayan Bagra or any subsequent purchaser claiming through him.

22. Learned counsel further submitted that in order to enquire into illegal transfers of lands belonging to members of Scheduled Castes and Scheduled Tribes, the State Government had constituted the Beri Commission headed by Justice B.P. Beri. It was submitted that upon detailed enquiry and after hearing all concerned parties, the Commission submitted its report holding that the sale deed dated 12.09.1961 executed in favour of Prabhu Narayan Bagra was void and without legal effect. The Commission further concluded that the subsequent sale deed dated 04.12.1961 executed in favour of Krishana Gopal Rungta also did not confer any legal right upon him. Learned counsel submitted that the Commission specifically found that Prabhu Narayan Bagra had no lawful claim over the lands in question and was merely a trespasser and similarly Krishana Gopal Rungta was also treated as a trespasser, with recommendation for resumption of the lands by the State.

23. It was further submitted that acting on the basis of the report submitted by the Beri Commission, the Tehsildar made a reference before the learned Board of Revenue seeking cancellation of mutation entries standing in the names of Prabhu Narayan Bagra and Krishana Gopal Rungta. However, the learned

Board of Revenue erroneously vide order dated 03.05.2019 rejected the said reference primarily on the ground of delay of approximately 34 years.

24. Assailing the order dated 03.05.2019 passed by the learned Board of Revenue, learned counsel submitted that in matters concerning transfers prohibited under Section 42 of the Act of 1955, the principles of limitation and delay cannot be mechanically applied so as to perpetuate an illegality or validate a transaction which is void *ab initio*. It was contended that a transfer made in contravention of the statutory prohibition contained under Section 42 of the Act of 1955 does not create or confer any lawful right, title or interest upon the transferee and, therefore, the learned Board of Revenue committed manifest illegality in rejecting the reference solely on the ground of delay without adjudicating upon the legality and validity of the transactions in question on merits. Learned counsel thus submitted that the learned Single Judge had rightly interfered with the order passed by the learned Board of Revenue and correctly remanded the matter for fresh consideration in light of the submissions advanced by the parties, the documentary evidence available on record and the findings recorded in the report submitted by the Beri Commission. It was thus, prayed that the present special appeal, being devoid of merit, deserves to be dismissed.

25. We have heard learned counsel for the parties and have carefully perused the material available on record.

Analysis of Submissions and Conclusion:-

26. For the better adjudication of this matter, it would be apposite to quote Section 42 and Section 175 of the Act of, 1955:

“42. General restrictions on sale, gift and bequest—

The sale, gift or bequest by a Khatedar tenants of his interest in the whole or part of his holding shall be void, if—

(a) **Omitted.**

(b) such sale, gift or bequest is by a member of Scheduled Caste in favour of a person who is not a member of the Scheduled Caste, or by a member of a Scheduled Tribe in favour of a person who is not a member of the Scheduled Tribe.

(bb) such sale, gift or bequest, notwithstanding anything contained in clause (b), is by a member of Saharia Scheduled Tribe in favour of a person who is not a member of the said Saharia tribe.

(c) **Omitted.”**

“175. Ejectment for illegal transfer or sub-letting—

(1) If a tenant transfers or sub-lets, or executes an instrument purporting to transfer or sub-let, the whole or any part of his holding otherwise than in accordance with the provisions of this Act and the transferee or sub-lessee or the purported transferee or sub-lessee has entered upon or is in possession of such holding or such part in pursuance of such transfer or sub lease, both the tenant and any person who may have thus obtained or may thus be in possession of the holding or any part of the holding, shall on the application of the land holder, be liable to ejectment from the area so transferred or sub-let or purported to be transferred or sub-let.

(2) To every application, under this Section the transferee or the sub-tenant or the purported transferee or the sub-tenant, as the case may be, shall be joined as a party.

(3) On an application being made under this section, the court shall issue a notice to the opposite party to appear within such time as may be specified therein and show cause why he should not be ejected from the area so transferred or sublet or purported to be transferred or sub-let.

(4) If appearance is made within the time specified in the notice and the liability to ejectment is contested, the court shall, on payment of the proper court fees, treat the application to be a suit and proceed with the case as a suit:

Provided that in the event of the application having been made by a Tehsildar in respect of land held directly from the State Government no court-fee shall be payable.

(4-a) Notwithstanding anything to the contrary contained in sub-section (4), if the application is in respect of

contravention of the provision contained in section 42 or the proviso to subsection (2) of section 43 or section 49-A, the court shall, after giving a reasonable opportunity to the parties of being heard, conclude the enquiry in a summary manner and pass order, as far as may be practicable within a period of three months from the date of the appearance of the non-applicants before it, directing ejectment of the tenant and his transferee or sub-lessee from the area transferred or sub-let in contravention of the said provisions.

(5) If no such appearance is made, or if appearance is made but the liability to ejectment is not contested the court shall pass order on the application as it may deem proper”

The undisputed factual position emerging from the record is that the land in question originally belonged to members of Scheduled Tribe community and was transferred in favour of Prabhu Narayan Bagra through sale deed executed in the year 1961. Consequent mutation entries were entered in his favour in the year 1963 and thereafter the land continued to remain recorded in the khatedari and possession of persons belonging to non-Scheduled Tribe category for several decades. It is also not in dispute that proceedings under Section 175 of the Act of 1955 were earlier instituted by the State Government itself challenging the said transfers on the ground of violation of Section 42 of the Act of 1955. The said proceedings, registered as Case No.120/1977, came to be dismissed vide order dated 28.03.1978 on the ground of limitation and admittedly the said order was never assailed further by the State Government. Consequently, the order dated 28.03.1978 attained finality.

27. It appears that inspite of challenging the order dated 28.03.1978, whereby reference made by the State Government had been dismissed by the Board of Revenue, Ajmer, the State proceeded to form a Beri Commission in respect of their

contention with a view to get an approval of their contentions, which the Board of Revenue had rejected.

28. From the perusal of the Beri Commission report, we do not find as to under what capacity, the Beri Commission was examining the case of State of Rajasthan (*supra*), which stood already dismissed by the Board of Revenue. Neither the Beri Commission was formed by any direction of the High Court, nor it could have examined a judgment passed by the Board of Revenue where the application of the State had been rejected on the ground of limitation. The period of limitation having been already examined by the Court, the opinion of the Beri Commission cannot be made a basis to file a fresh reference in Board of Revenue. We have also noticed that the Beri Commission has acted as an adjudicating authority without there being any such direction issued by any Court.

29. It would be apposite to quote the law as laid down by the Hon'ble Supreme Court in **R. Venkatkrishnan** (*supra*), whereby it has been held as under:-

"**67.** The Committee was not a court. It did not render any decision. It was merely a fact-finding body. It was constituted for a limited purpose. Contents of the report, therefore, without formal proof, could not have been taken in evidence. A Division Bench of the Nagpur High Court in *M.V. Rajwade v. Dr. S.M. Hassan* following the judgment of the Privy Council *Maharaja Madhava Singh v. Secy. Of State of India in Council* held that a Commission is a fact finding body meant only to instruct the mind of the Government without producing any document of a judicial nature and that findings of a Commission of Inquiry were not as definitive as a judgment. Similarly in *Brajnandan Sinha v. Jyoti Narain*, this Court held that the Commission appointed under the Public Servants (Inquiries) Act, 1850, was not a court within the meaning of the Contempt of Courts Act, 1952. (See also *Ram Krishna Dalmia v. Justice S.R. Tendolkar*, *Puhupram v. State of Madhya Pradesh* and *Sham Kant v. State of Maharashtra*.)

68. Accordingly, the Janakiraman Committee Report was not admissible in evidence. The report in terms of the provisions of the Evidence Act, 1872 is not a judgment. The report may facilitate investigation but cannot form basis of conviction and sentencing of the accused. For the said purpose the report was wholly inadmissible in evidence."

30. In the case of **State Bank of India** (*supra*), the Hon'ble Supreme Court had held as under:-

"50. It is well settled by a long line of judicial authority that the findings of even a statutory Commission appointed under the Commissions of Inquiry Act, 1952 are not enforceable proprio vigore as held in *Ram Krishna Dalmia v. Justice S.R. Tendolkar* and the statements made before such Commission are expressly made inadmissible in any subsequent proceedings civil or criminal. The leading judicial pronouncements on that question were succinctly analysed by this Court in *T.N. Antony v. State of Kerala*, SCC Paras 29-34. Para 34 of the judgment inter alia reads: (SCC p.204)

"34.....In our view, the courts, civil or criminal, are not bound by the report or findings of the Commission of Inquiry as they have to arrive at their own decision on the evidence placed before them in accordance with law."

51. Therefore, Courts are not bound by the conclusions and findings rendered by such Commissions. The statements made before such Commission cannot be used as evidence before any civil or criminal court. It should logically follow that even the conclusions based on such statements can also not be used as evidence in any Court. The Janakiraman Committee is not even a statutory body authorised to collect evidence in the legal sense. It is a body set up by the Governor of Reserve Bank of India obviously in exercise of its administrative functions,

"..... the Governor, RBI set up a Committee on 30-04-1992 to investigate into the possible irregularities in funds management by commercial banks and financial institutions, and in particular, in relation to their dealings in Government securities, public sector bonds and similar instruments. The Committee was required to investigate various aspects of the transactions of SBI and other commercial banks as well as financial institutions in this regard."

52.

53. The report of such a Committee in our view can at best be the opinion of the Committee based on its own examination of the records of the various banks (including the plaintiff and the 1st defendant) and the statements

recorded (by the Committee) of the various persons examined by the Committee. In our considered view the report of Janakiraman Committee is not evidence within the meaning of Evidence Act which the Special Court is bound to follow.

54. We find it difficult to approve the procedure followed by the Special Court to record such conclusions.”

31. From the aforesaid, we are satisfied that the conclusions of the commission could not have been relied upon to adjudicate a dispute in reference raised by the State Government after a period of 34 years and the order passed by the learned Single Judge relying on such commission report is erroneous. We may also examine the aforesaid aspect from another angle. It is a very settled law that what cannot be done directly, cannot be done indirectly too, i.e., whatever is prohibited by law to be done, cannot legally be effected by an indirect and circuitous contrivance on the principle of *quando aliquid prohibetur, prohibetur et omne per quod devenitur ad illud*. Meaning thereby, authority cannot be permitted by shifting or utilizing some other sources to again raise the issue, which stood finally adjudicated. The above principle has been consistently followed by the Hon’ble Supreme Court In **Jagir Singh Versus Ranbir Singh and Another, (1979) 1 Supreme Court Cases 560, M.C. Mehta Versus Kamal Nath & Others, (2000) 6 Supreme Court Cases 213** and **Sant Lal Gupta Versus Modern Cooperative Group Housing Society Limited and Others, (2010) 13 Supreme Court Cases 336.**

32. Having, thus, examined the aspect relating to the report of the Beri Commission, we also notice that it is a settled provision of law that no party should be allowed to re-agitate an issue, which has already attained finality. If such permission is granted, it would

result in destabilising the entire judicial process. One has to give quietus to litigation after the same has been adjudicated finally. Had the orders been passed in 1978 by the Board of Revenue challenged at that relevant time, the higher court would have examined it, but once it attained finality, there was no occasion to re-adjudicate the same issue by filing a fresh application based on the Beri Commission report. We also notice that in the meanwhile the land acquisition proceedings have also been undertaken and even the compensation was awarded to the concerned Khatedars in whose names the land was already acquired, namely the subsequent purchaser Krishna Gopal Rungta.

33. The Hon'ble Supreme Court in the case of **Satyadhan Ghosal Versus Deorajin Dabi (1960) 3 Supreme Court Reports 590**

has laid down as under:-

"The principle of res judicata is based on the need of giving a finality to judicial decisions. What it says is that once a res is judicata, it shall not be adjudged again. Primarily it applies as between past litigation and future litigation. When a matter-whether on a question of fact or on a question of law-has been decided between two parties in one suit or proceeding and the decision is final, either because no appeal was taken to a higher court or because the appeal was dismissed, or no appeal lies, neither party will be allowed in a future suit or proceeding between the same parties to canvass the matter again. This principle of res judicata is embodied in relation to suits in s.11 of the Code of Civil Procedure; but even where s.11 does not apply, the principle of res judicata has been applied by courts for the purpose of achieving finality in litigation. The result of this is that the original court as well as any higher court must in any future litigation proceed on the basis that the previous decision was correct.

The principle of res judicata applies also as between two stages in the same litigation to this extent that a court, whether the trial court or a higher court having at an earlier stage decided a matter in one way will not allow the parties to re-agitate the matter again at a subsequent stage of the same proceedings. Does this however mean that because at an earlier stage of the litigation a court has decided an interlocutory matter in one way and no appeal has been taken therefrom or no appeal did lie, a

higher court cannot at a later stage of the same litigation consider the matter again?"

34. We, therefore, hold the action of the State in moving reference application one after another as unjustified and illegal.

35. The learned Single Judge has further set aside the order of the Board of Revenue, Ajmer and remanded the case for fresh adjudication by the Board of Revenue, Ajmer. The land was purchased in 1961 vide registered sale deed dated 04.12.1961, no claim had been put up by the concerned Khatedars, who are merely parties to the litigation. The land has been transferred to several persons during this period who have then further transferred it to many others. The bunch of writ petitions was, however, decided without going into these aspects.

36. In a recent judgment passed by the Hon'ble Apex Court in the case of **Sujej Singh Versus Ram Naresh and Ors., 2025 INSC 1405**, the Court was examining the multiplicity of litigation in relation to correction of map of one plot No. 22 and plot no.23 with reference to revenue appeals under the Uttar Pradesh Revenue Code, 2006. In almost similar matters where the first round of litigation ended vide dismissal on 04.09.2001 after 17 years, the respondent again filed an application therein to the Revenue Court, who remanded the matter back, the Hon'ble Supreme Court held as under:-

"14. If the facts of this case are examined, the issue regarding correction of map stood settled between the parties when the appeal filed by the private respondents against the order passed by the Collector, was dismissed on 04.09.2001. The maps were already final. Respondent no.1 had purchased the land and his vendors could hand over the possession of the land which they owned and possessed. After purchase, effort made by the private respondents to get the revenue map corrected had failed. They could not be permitted to raise the same issue after a gap of more than 17 years. It was not a case where any error was found in the revenue record which deserved

correction under Section 30 of the Code. Rather, the effort of the private respondents was to change the location of the plot purchased by them, which may be more valuable. This does not fall within the scope of correction as envisaged under Section 30 of the Code.

15. The impugned order passed by the High Court cannot be legally sustained.

16. The main thrust of the learned counsel for the private respondents was on the issue that in a case where the matter has been remanded, this Court does not interfere. In *Satyadhyan Ghosal and Others' case (supra)*, this Court had opined that an order of remand being interlocutory, and the proceedings having not been terminated, this Court should not interfere. However, the view expressed in the aforesaid judgment will not detain us from recording that after going into the facts of the case, we find that the remand of the matter, in the case at hand, was totally on the wrong premise and interpretation of Section 30 of the Code which needs correction by this Court. This could have generated unnecessary further litigation.

17. We may also add that earlier view by this Court was that in case there were violations of principles of natural justice, the matter was to be remanded for affording opportunity of hearing to the party concerned. However, with the passage of time, the view changed. The idea is to curtail the litigation and not generate it. Any unnecessary remand by a Higher Court generates fresh round of litigation, which should be avoided. Reference can be made to the judgments of this Court in **M.C. Mehta v. Union of India and others ; State of Uttar Pradesh v. Sudhir Kumar Singh and others, (2021) 19 Supreme Court Cases 706 and Krishna datt Awasthy v. State of Madhya Pradesh, 2024 SCC OnLine SC 493."**

37. Considering the fact that the land in question already stands converted for non-agricultural use vide order dated 17.01.2023 passed under Section 90-A of the Rajasthan Land Revenue Act, 1956 and further keeping in view that the land no longer retains the character of agricultural land under the provisions of the Rajasthan Tenancy Act, 1955, this Court is of the considered opinion that continuance of disputed revenue entries would serve no useful purpose. Once the competent authority itself has permitted change of land use and the land has subsequently vested/transferred in favour of Jaipur Development Authority for

development purposes, consequential revenue entries are required to be brought in conformity with the changed legal and factual position.

38. Accordingly, the respondent authorities are directed to undertake all consequential revenue proceedings and open/mutate the revenue entries pertaining to the land in question in the name of Jaipur Development Authority within a fortnight from the date of receipt of a certified copy of this Judgment.

39. Consequently, the present special appeal succeeds and is hereby allowed. The judgment dated 30.04.2025 passed by the learned Single Judge is quashed and set aside. The order dated 03.05.2019 passed by the Board of Revenue, Rajasthan, Ajmer is restored. Pending applications, if any, also stand disposed of.

40. No order as to costs.

(BIPIN GUPTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ