

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 10747/2025

State Of Rajasthan

----Petitioner

Versus

Gajanand S/o Hazarilal

----Respondent

For Petitioner(s) : Mr. Neeraj Batra, GC with
Ms. Gunjan Chawal,
Mr. Ravindra Pal Singh,
Mr. P.L. Bairwa,
Mr. Harshit Parashar and
Ms. Poonam Rao

For Respondent(s) : Mr. Dinesh Yadav

JUSTICE ANOOP KUMAR DHAND

Order

22/07/2025

1. Counsel for the petitioner submits that the land in question belonged to one, Hazari S/o Jeeva, who belongs to Schedules Caste community, who sold the subject land to one Moharilal S/o Ramjeet, who belongs to Scheduled Tribe category vide sale deed dated 03.02.1970 and thereafter, the subject land was entered in his name by mutation. Counsel submits that the aforesaid sale was contrary to Section 42(b) of the Rajasthan Tenancy Act, 1955 (for short, 'the Act of 1955'). Counsel submits that this fact came into notice of the State in the year 2015, hence, a suit under Section 175 and 176 read with Section 63 of the Act of 1955 was submitted before the Court of Sub Divisional Officer. Counsel submits that the suit was rejected not on merits, but on the technical count of delay. Counsel submits that an appeal was preferred

before the Revenue Appellate Authority (for short 'RAA'), that was also not decided on merits, but the same was rejected on the ground that certified copy of certain documents were not submitted. Counsel submits that then, second appeal was preferred before the Board of Revenue, but these facts were not appreciated and the appeal submitted by the State was rejected. Counsel submits that as per the judgment passed by the Hon'ble Apex Court in the case of **Rajasthan Housing Board vs. New Pink City Nirman Sahkari Samiti Ltd and Others** reported in **2015 AIR (SC) 2126**, the issue of limitation will not come in the way, where the sale itself is void in terms of Section 42(b) of the Act of 1955. Counsel submits that under these circumstances, interference of this Court warranted.

2. Per contra, learned counsel appearing on behalf of the respondents No.17 to 19 opposes the arguments and submitted that even if a void document is executed in favour of a party, the question of limitation will always be there and in the instant case, the aforesaid sale was done way back in the year 1970 and the suit was filed after a lapse of 45 years, hence, all three Courts below have not committed any error in rejecting the suit as well as the appeal submitted by the State. In support of his contention, counsel for the respondent No.17 to 19 has placed reliance upon the judgment passed by the Hon'ble Apex Court in the case of **Nathu Ram and others vs. State of Rajasthan and others** reported in **2004 (13) SCC 585** and **Ram Karan**

and others vs. State of Rajasthan and others reported in
2014 (8) SCC 282.

3. Heard. Matter requires consideration.
4. Issue notice to the respondents No.1 to 16, returnable by 13.08.2025.
5. Till next date, parties are directed to maintain status quo.

(ANOOP KUMAR DHAND),J