

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12667/2024

Shyoram S/o Chajuram

-----Petitioner

Versus

Kishanlal S/o Chajuram and Ors.

-----Respondents

For Petitioner(s) : Mr. Sandeep Pathak
Mr. Arnav Singh

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

23/04/2026

1. The present writ petition has been filed by the petitioner challenging the order dated 23.05.2024 (Annexure-2) passed by the learned Board of Revenue (**BOR**), Rajasthan, Ajmer in Review/ Appeal/Decree/TA/5797/2019/Jaipur titled as Shyoram versus Kishanlal and Ors., vide which the review petition filed by the petitioner under Section 229 of the Rajasthan Tenancy Act, 1955 has been dismissed by holding that there is no error apparent on the face of record in the order dated 30.08.2019 (Annexure-1) passed by the learned BOR while deciding the Appeal Decree/TA/4253/2019/Jaipur titled as Shyoram versus Kishanlal and Ors.

2. Challenge has also been made to the orders dated 14.07.2015 and 22.07.2019 passed by Revenue Appellate Authority (**RAA**), Jaipur and order dated 21.06.2012 passed by the Assistant Collector, Kotputli, Jaipur, Rajasthan in Revenue Suit No. 223/2011 titled as Kishanlal versus Nanagram & Ors.

3. Learned counsel for the petitioner submits that the review petition has been dismissed by the learned BOR vide order dated 23.05.2024 holding that there is no error apparent on the face of the record in the order dated 30.08.2019.

4. Learned counsel submits that the order dated 30.08.2019 simply records that the appeal filed by the appellant/petitioner is being dismissed at the stage of admission and no reason worth the name has been assigned to arrive at the said dismissal.

5. Learned counsel submits that reasons are the heart and soul of every order and while the learned BOR has all the power and authority to dismiss the appeal at the admission stage, however, it is required to assign and record appropriate reasons for the said dismissal.

In support of the said submission, learned counsel for the petitioner has placed reliance upon a judgment of the Hon'ble Supreme Court in **Civil Appeal No. 7109/2021** titled as **Hasmat Ali versus Amina Bibi & Ors.** dated 29.11.2021, para 14 of which reads as under:-

"14. In case the appeal does not involve any substantial question of law, the High Court has no other option but to dismiss the appeal. However, in order to come to a conclusion that the appeal does not involve any substantial of law, the High Court has to record the reasons. Giving reasons for the conclusion is necessary as it helps the adversely affected party to understand why his submissions were not accepted. The Court must display its conscious application of mind even while dismissing the appeal at the admission stage. In our view, the High Court cannot dismiss the second appeal in

limine without assigning any reasons for its conclusion."

6. Learned counsel for the petitioner further submits that non-recording of any reason worth the name is definitely an error apparent on the face of the record and thus, the review petition filed by the petitioner ought to have been allowed.

7. Taking note of the above, issue notice to the respondents, returnable after six weeks, both the ordinary process as well registered post.

8. Notice be given '*dasti*' as well to learned counsel for the petitioner.

9. In the meanwhile, the parties are directed to maintain *status quo qua* Khasra No. 8/554, admeasuring 7.23 hectares situated at Village Kalyanpura, Tehsil Kotputli, District Jaipur, Rajasthan.

(ANUROOP SINGHI),J