

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 16050/2019

M/s Jagdamba Bricks, Through Its Proprietor Smt. Minakshi Sharma Wife Of Shri Rajesh Kumar Sharma, Aged About 41 Years, Resident Of Duhaar Chaugan, Tehsil Thanagaji, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Finance, Government Of Rajasthan, Government Secretariat, Rajasthan, Jaipur.
2. Collector (Stamp), Alwar-II, District Alwar, Rajasthan.
3. Sub-Registrar, Thanagaji, District Alwar, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 16053/2019

M/s Jagdamba Bricks, Through Its Proprietor Smt. Minakshi Sharma Wife Of Shri Rajesh Kumar Sharma, Aged About 41 Years, Resident Of Duhaar Chaugan, Tehsil Thanagaji, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Finance, Government Of Rajasthan, Government Secretariat, Rajasthan, Jaipur.
2. Collector (Stamp), Alwar-II, District Alwar, Rajasthan.
3. Sub-Registrar, Thanagaji, District Alwar, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 15502/2019

M/s Aman Bricks, Through Its Proprietor Shri Adiya Khan S/o Shri Hasmal Khan, R/o Bahala, Tehsil Ramgarh, Alwar, District Alwar, Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

-----Respondents

Connected With

S.B. Civil Writ Petition No. 13613/2019

Smt Himani Nagdev Wife Of Shri Rohit Kumar, Aged About 30
Years, Resident Of 210, Adarsh Colony, District Alwar
(Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II.

-----Respondents

S.B. Civil Writ Petition No. 13617/2019

Smt. Himani Nagdev Wife Of Shri Rohit Kumar, Aged About 30
Years, Resident Of 210, Adarsh Colony, District Alwar
(Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II.

-----Respondents

S.B. Civil Writ Petition No. 13618/2019

Smt Himani Nagdev, Wife Of Shri Rohit Kumar, Aged About 30
Years, Resident Of 210, Adarsh Colony, District Alwar
(Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of Finance, Secretariat, Jaipur.

2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II.

----Respondents

S.B. Civil Writ Petition No. 15486/2019

M/s Kanak Bricks And Lime Industries, Through Its Partner Shri Ashok Kumar S/o Shri Kanhiya Lal, R/o Bahala, Tehsil Ramgarh, Alwar, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 15487/2019

M/s Kanak Bricks And Lime Industries, Through Its Partner Shri Ashok Kumar S/o Shri Kanhiya Lal, R/o Bahala, Tehsil Ramgarh, Alwar, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 15492/2019

M/s. Kanak Bricks And Lime Industries, Through Its Partner Shri Ashok Kumar S/o Shri Kanhiya Lal, R/o Bahala, Tehsil Ramgarh, Alwar, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 15493/2019

M/s Kanak Briks And Lime Industries, Through Its Partner Shri Ashok Kumar S/o Shri Kanhiya Lal, R/o Bahala, Tehsil Ramgarh, Alwar, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 15494/2019

M/s Ganesh Bricks, Through Its Proprietor Shri Rajendra Goyal S/o Shri Ratan Lal Goyal, R/o 434-B, Scheme No. 2, Alwar, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 15495/2019

M/s Ganesh Bricks, Through Its Proprietor Shri Rajendra Goyal S/o Shri Ratan Lal Goyal, R/o 434-B, Scheme No. 2, Alwar, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 15496/2019

M/s Ganesh Bricks, Through Its Proprietor Shri Rajendra Goyal S/o Shri Ratan Lal Goyal, R/o 434-B, Scheme No. 2, Alwar,

District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 15497/2019

M/s Ganesh Bricks, Through Its Proprietor Shri Rajendra Goyal
S/o Shri Ratan Lal Goyal, R/o 434-B, Scheme No. 2, Alwar,
District Alwar, Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Department Of Finance, Secretariat, Jaipur
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 15501/2019

M/s Aman Bricks, Through Its Proprietor Shri Adiya Khan S/o
Shri Hasmal Khan, R/o Bahala, Tehsil Ramgarh, Alwar, District
Alwar, Rajasthan

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary,
Department Of Finance, Secretariat, Jaipur.
2. Collector (Stamp), Alwar-II, Rajasthan.
3. Sub Registrar, Ramgarh, District Alwar-II

----Respondents

S.B. Civil Writ Petition No. 17373/2019

M/s Jagdamba Bricks, Through Its Proprietor Smt. Minakshi
Sharma W/o Shri Rajesh Sharma, Aged About 41 Years, R/o
Duhaar Chaugan, Tehsil Thanagaji, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Finance, Government Of Rajasthan, Government Secretariat, Rajasthan, Jaipur.
2. Collector, (Stamp), Alwar-II, District Alwar, Rajasthan.
3. Sub Registrar, Thanagaji, District Alwar, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 17839/2019

M/s Shankar Bricks, Through Proprietor Smt. Anguri Devi Wife Of Shri Jagdish Prasad Sharma, Aged About 62 Years, Resident Of Duhaar Chaugan, Tehsil Thanagaji, District Alwar, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Finance, Government Of Rajasthan, Government Secretariat, Rajasthan, Jaipur.
2. Collector (Stamp), Alwar-II, District Alwar, Rajasthan.
3. Sub-Registrar, Thanagaji, District Alwar, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr.Manoj Bhardwaj Mr.Alok Chaturvedi Mr.Ashwani Kumar Chobisa
For Respondent(s)	:	Mr.Jaivardhan Singh Shekhawat for Major RP Singh, AAG

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

17/02/2021

The defect(s), pointed out by the Registry in SB Civil Writ Petition Nos.17373/2019 & 17839/2019, is overruled subject to just objection to be raised by the respondents.

Learned counsel Mr.Jaivardhan Singh Shekhawat, appearing on behalf of Major RP Singh, AAG, is directed to accept notice on

behalf of the respondents in SB Civil Writ Petition Nos.16050/2019, 16053/2019, 17373/2019 & 17839/2019, as he is appearing in other connected writ petitions leading by SB Civil Writ Petition No.15502/2019.

Learned counsel for the petitioners submitted that this Court in SB Civil Writ Petition Nos.6510/2020 & 6547/2020 has passed interim order, whereby the respondents have been restrained to take any coercive action in pursuance of the impugned orders, issued by the Authorities.

Learned counsel for the petitioners submitted that the issue with regard to treating the transfer of land by way of permitting to dig and take out the sand is a permit or lease, is required to be examined by this Court.

Learned counsel for the petitioners submitted that this Court may also consider the prayer for grant of interim relief in the present petitions, as the respondents are determined to recover the amount in pursuance of the impugned orders.

Learned counsel for the respondents – Mr.Jaivardhan Singh Shekhawat submitted that reference of the orders passed by the Tax Board, Ajmer in the Revision Petitions Nos.862/2018 and 863/2018 is already under challenge by the State by way of filing SB Civil Writ Petition No.13356/2020.

Learned counsel submitted that the petitioners have also an alternative remedy of filing revision petition under Section 65 of the Rajasthan Stamp Act, 1998.

This Court needs to consider the issue after hearing both the parties. Since, the interim order has been passed by this Court in SB Civil Writ Petition Nos.6510/2020 & 6547/2020, this Court deems it proper to restrain the respondents to recover any

Learned counsel for both the parties are directed to complete their pleadings.

Let these cases be listed on 15th March, 2021 for final disposal, at this stage.

A copy of this order be separately placed in each file.

(ASHOK KUMAR GAUR),J

Preeti Asopa /100, 101, 111-123, 61 & 62



सत्यमेव जयते