


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20547/2025

Harlal & Ors.

----Petitioners

Versus

State Of Rajasthan & Ors.

----Respondents

For Petitioner(s) : Mr. Dharam Veer Tholia
Mr. Himanshu Tholia
For Respondent(s) : Mr. V.D. Gathala, AGC

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

09/03/2026

The present writ petition has been filed being aggrieved by the order dated 31.07.2025 passed by the learned Board of Revenue Rajasthan, Ajmer, vide which the review petition filed by the petitioners seeking review of the order dated 18.01.2012 passed in Second Appeal ID No. 3518/2010/LR/Jaipur has been dismissed, and the order dated 21.11.2005 passed by the learned Revenue Appellate Authority, Jaipur as well as the order dated 17.02.2001 passed by the Additional Collector (IV), Jaipur have been confirmed, vide which the allotment of Khasra No.48 admeasuring 5 Bigha 1 Biswa allotted on 21.06.1974 in favour of respondent No.3 – Shyam Sunder Tambi, has been cancelled.

Learned counsel Mr. Dharam Veer Tholia, Advocate, along with Mr. Himanshu Tholia, Advocate, appearing for the petitioners submits that the petitioner purchased the said land from respondent No.3 by way of registered sale deed way back in the

year 1989 and has been residing there since then along with his family members.

Learned counsel further submits that the mutation of the said land was also entered in favour of the petitioner way back on 03.01.1992.

Learned counsel submits that the proceedings for cancellation of allotment were carried out solely in consequence of the recommendation made by the Beri Commission and that too after a considerable delay.

Learned counsel further submits that the sole premise on the basis of which the said allotment has been cancelled is that respondent No.3, who was the predecessor in title of the said land, was himself a member of the allotment committee which allotted the land to him. However, no finding has been recorded in any of the impugned orders as to whether respondent No.3 was otherwise entitled to the said allotment or not, and merely being a member of the allotment committee cannot render the allotment illegal in the eyes of law.

Learned counsel, in support of his contentions, has placed reliance on the following judgments :-

- (i) **S.B. Civil Writ Petition No.5677/2007**, titled as **State of Rajasthan Vs. Manohar Lal & Ors.**, decided on 17.09.2008;
- (ii) **S.B. Civil Writ Petition No.6733/2003**, titled as **Radha Kishan Vs. Sate & Ors.**, decided on 26.08.2015;
- (iii) **D.B. Special Appeal (Writ) No.666/2009** and other connected matters, titled as **State of Rajasthan and Anr. Vs. Vishvanath Podar & Ors.**, decided on 13.11.2018.

Learned counsel for the petitioners submits that since the land was purchased by the petitioner in the year 1989 and the mutation was also entered on 03.01.1992, no proceedings could have been initiated against the petitioner without granting him an opportunity of hearing.

Learned counsel finally submits that the cancellation of allotment after a colossal delay is absolutely arbitrary and that even the provisions of Rule 14(4) of the Rajasthan Land Revenue (Allotment of Land for Agricultural Purposes) Rules, 1970 have not been complied with, as the petitioner was never granted an opportunity of hearing.

Taking note of the above, issue notice to the respondents. Notices be sent through registered post in addition to the normal process.

Notices also be given '*dasti*' to learned counsel for the petitioners.

Mr. V.D. Gathala, learned Assistant Government Counsel, puts in appearance on behalf of respondents No.1 and 2.

Hence, service is complete *qua* respondents No.1 and 2.

Learned counsel for the petitioners is directed to serve a copy of the writ petition in the Office of Mr. V.D. Gathala, learned AGC.

List the matter on 09.04.2026 after showing the name of Mr. V.D. Gathala, learned AGC, as learned counsel for respondent No.1 and 2 in the cause list.

Till the next date, the effect and operation of the impugned orders dated 17.02.2001 (Annexure-4), 21.11.2005 (Annexure-5), 18.01.2012 (Annexure-6) and 31.07.2025 (Annexure-7) shall remain stayed and the parties are directed to maintain *status quo* with respect to the land bearing Khasra No.48 measuring 5 Bigha 1 Biswa situated at Village Sherawatpura (Mundota), Tehsil Amer, District Jaipur.

However, Mr. V.D. Gathala, learned AGC, appearing for the respondents No.1 and 2 would be at liberty to file an appropriate application seeking vacation/modification of the stay order, if so advised.

(ANUROOP SINGHI),J

VINAY MEENA /6