

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 19402/2022

Ram Singh Meena S/o Sh. Ram Karan Meena, Aged About 53 Years, R/o Village And Post- Mainpura, Tehsil And District- Sawai Madhopur.

-----Petitioner

Versus

1. Assistant Commissioner Of Income Tax, (Benami Prohibition) And Initiating Officer, Under PBPT Act- 1988 For State Of Rajasthan, Jaipur, Room No. NA-103, New Central Revenue Building, Statue Circle, C-Scheme, Jaipur - 302001.
2. Deputy Commissioner Of Income Tax (Benami Prohibition), Jaipur, Room No. 250, New Central Revenue Building, Statue Circle, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. Javed Khan, Advocate with Mr. Palash Gupta, Advocate
For Respondent(s)	:	Mr. Siddharth Bapna, Advocate

HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ANIL KUMAR UPMAN

Judgment / Order

17/04/2023

Heard.

Learned counsel for the petitioner submits that the issue raised in this petition has been decided by the Hon'ble Supreme Court in the case of **Union of India & Another Versus M/S. Ganpati Dealcom Pvt. Ltd., AIR 2022 SC 4558.**

Learned counsel for the respondents, however, would submit that though the Hon'ble Supreme Court has decided the issue in

the aforesaid case, review petition has been filed which is pending consideration before the Hon'ble Supreme Court.

Learned counsel for the respondents, however, could not dispute that the order passed by the Hon'ble Supreme Court in **Union of India & Another Versus M/S. Ganpati Dealcom Pvt. Ltd. (supra)** remains operative and has not been decided so far.

In view of the above, this petition also deserves to be allowed and accordingly, the property in dispute being "0.0202 hectares [233/23100 part of 20033/23310 part of Khasra No. 811 [having total area of 2.31 hectare] Village- Kukas, Tehsil Amer, District Jaipur" deserves to be released. Let necessary steps be taken to release the disputed property.

It is, however, made clear that the release will be subject to the final order that may ultimately be passed by the Hon'ble Supreme Court in the pending review petition.

Writ petition is, accordingly, allowed.

(ANIL KUMAR UPMAN),J

(MANINDRA MOHAN SHRIVASTAVA),ACTING CJ