

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

S.B. Civil Writ Petition No. 20541/2023

Pooran Mal (Deceased) S/o Jagdish Narayan

----Petitioner

Versus

State Of Rajasthan and Ors.

----Respondents

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For Petitioner(s) : Mr. R.k. Daga  
Mr. S.S. Ola  
For Respondent(s) : Mr. S.S.Hora assisted by  
Mr. Kartik Agarwal and  
Mr. Aamir

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**HON'BLE MR. JUSTICE ANOOP KUMAR DHAND**

**Order**

**10/01/2024**

Heard Mr. R.K. Daga, counsel for the petitioner and Mr. S.S. Hora, counsel for the respondent Nos. 3, 5, 6 and 7.

Perusal of the record indicates that vide order dated 08.01.2003, the Tehsildar Jaipur filed a reference under Section 82 of the Rajasthan Land Revenue Act, 1956 (for short, 'the Act of 1956') before the District Collector, Jaipur indicating therein that the land in question belongs to the Mafi Mandir Shri Sitaramji. It was mentioned in the reference that because of the wrong entry in favour of the respondents, the matter is required to be examined and accordingly, the matter was referred to the Board of Revenue. After hearing the submissions of the respective parties, the Board of Revenue allowed the reference in exercise of its power under Section 82 of the Act of 1956 vide order dated 11.12.2012 and direction was issued to make necessary correction in the revenue record in favour of Mafi Mandir. Subsequently, a review/ recall

application was submitted by one Kalyan before the Board of Revenue indicating therein that he was alive but his status was mentioned as 'dead' by the Board of Revenue while passing the order dated 11.12.2012. This fact is not in dispute that the Kalyan was alive when the reference was decided by the Board of Revenue on 11.12.2012. Considering this material aspect of the matter, the petition filed by the said Kalyan was allowed and the reference was restored to its original number. Thereafter, affording the opportunity of hearing to all the respective parties, the matter was decided by the Board of Revenue vide judgment dated 09.11.2023. This time, the reference was rejected by recording the finding of fact on the basis of the version and cross-version made by the respective parties. Now the legal issue which remains for consideration before this Court is whether the Board can pass two different conflicting orders on the basis of the same material available on record before it i.e. at the time of allowing the reference and at the time of rejection of the reference. The matter requires consideration.

Issue notice to respondent Nos. 1, 2, 4 and 8. Rule is made returnable by 02.03.2024.

Till then, parties are directed to maintain the status quo.

Let the record of reference Court be summoned.

**(ANOOP KUMAR DHAND),J**