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SLP(C)No. 13361 OF 2001  
ITEM No.203

Court No. 7

SECTION XV  
A/N MATTER

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.13361/2001

(From the Judgment and order dated 13.09.2000 in DBCSA.431/2001  
of The High court of Rajasthan at Jodhpur)

STATE OF RAJASTHAN

Petitioner (s)

VERSUS

MAHESHA & ORS.

Respondent (s)

( With Office Report )  
( For Final Disposal )

Date : 28/11/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL  
HON'BLE MR. JUSTICE P.VENKATARAMA REDDI

For Petitioner (s) Mr.V.N. Raghupathy,Adv.  
Mr.Ranji Thomas,Adv.  
Ms.Bharati Upadhyaya,Adv.  
Mr.Amit Shukla,Adv.

For Respondent (s) Mr. B.D. Sharma,Adv.  
Ms.Deep Shikha Bharthi,Adv.

UPON hearing counsel the Court made the following  
O R D E R

Leave granted. The appeal is disposed of without any order as to costs.

(USHA BHARDWAJ)  
P.S. TO REGISTRAR

(MADHU SAXENA)  
COURT MASTER

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO...../2003  
(Arising out of SLP(Civil) No.13361 of 2001)

State of Rajasthan

...Appellant

vs.

Mahesha & Ors.

...Respondents

O R D E R

Leave granted.

The respondents 1 to 30 are the migrants who had come to India from Pakistan during the Indo-Pak War of 1965. They were allotted certain lands for temporary cultivation. This allotment was extended till 1969. However, they continued in possession of the lands. In 1970, the appellant allotted the lands to respondents 31 to 39 who were landless persons. The respondents 1 to 30 applied for regularization of their possession in respect of the lands in their favour. The matter was taken up at different stages and came up twice before the Sub-Divisional Officer who recommended the case of the respondents 1 to 30, twice before the Collector who reversed the recommendations of the Sub-Divisional Officer, and twice before the Appellate Authority who remanded the matter back to the Sub-Divisional Officer on both the occasions for deciding the matter afresh after setting aside the Collector's order. On the second such occasion the respondents 31 to 39 preferred a further appeal to the Board of Revenue. The Board of Revenue agreed with the Collector and set aside the order of the Appellate Authority. The respondents 1 to 30 then preferred a writ petition before the High Court of Rajasthan. The learned Single Judge came to the conclusion that this was a fit case where the State authorities may consider the case of the petitioners (respondents 1 to 30 before us) for regularization of the lands in their favour in which they are in possession for the last more than 34 years and the respondents 7 to 15 (respondents 31 to 39 before us) may be considered for allotting alternative land in accordance with law.

The State's further appeal before the Division Bench was dismissed. We are of the view that in the circumstances of the case, the High Court did not err in passing the impugned order. We, therefore, do not interfere with the order of the High Court insofar as it pertained to the respondents 1 to 30. However, as far as the respondents 31 to 39 are concerned, the directions issued by the High Court with respect to them will stand subject to the availability of land.

The appeal is disposed of but without any order as to costs.

.....J.

(RUMA PAL)

.....J.  
(P.VENKATARAMA REDDI)  
New Delhi,  
Dated : 28.11.2003