

Allotment) Rules, 1970 (for short, 'the 1970 Rules').

In the writ petition filed by the respondent, the learned Single Judge held that the 1970 Rules were not retrospective and the same could not be made applicable to the lease granted in 1966. The Division Bench agreed with the opinion of the learned Single Judge and dismissed the special appeal preferred by the petitioners herein.

Learned counsel for the petitioners argued that even though in the lease deed executed in favour of Jeev Raj Sankhla, a reference was made to the 1959 Rules, the allotment should be deemed to have been made under the Rajasthan Land Revenue (Saline Areas Allotment) Rules, 1962 (for short, 'the 1962 Rules') and as the 1962 Rules have been repealed by the 1970 Rules, the respondent is bound to pay rent etc. in accordance with those Rules.

In our opinion, the argument of the learned counsel merits rejection because no such plea was raised before the learned Single Judge or the Division Bench of the High Court and for the first time the petitioner cannot be allowed to make out a new case.

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We are further of the view that the petitioners are estopped from invoking the provisions of the 1962 Rules because the lease deed had, in fact, been executed with reference to the 1959 Rules. In any case, the 1970 Rules cannot be pressed into service for claiming higher rent and other charges from the respondent.

In the result, the special leave petition is dismissed.

(Arvind)
Sr. P.A.

(Mithlesh Gupta)
Court Master