

तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज Reference No. 7506/2022/LR/Jaipur State Vs. Jitendra Singh	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
23.01.2024	<u>S.B.</u> Dr. Rakesh Kumar Sharma, Member <u>Present:</u> Shri Ajeet Singh Bhadu : Dy.Govt.Advocate for the State. Shri Nemichand Tanwar and Hansraj Rawat : counsels for the non-petitioner. - - - This reference has been made to the Board of Revenue by Additional Collector (Forth), Jaipur under section 82 of the Rajasthan Land Revenue Act, 1956 (in short to be referred as 'the Act') by his order dated 29.8.2022. Brief facts of the case are that the land bearing Araji khasra No. 138 area 55 bigha 4 biswa situated in Village Chetawala Tehsil Amer District Jaipur was entered and recorded as 'Gair Mumkin Nala' in Misal Bandobast of Samvat 2010-2023. As per Milan Kshetraphal, part of this land was given new khasra No. 346 area 1.96 hectare. By lapse of time, this land bearing khasra no. 346 area 1.96 hectare has been allotted and recorded in the khatedari of non-petitioner in Jamabandi of Samvat 2061 to 2064 after changing the nature of the land as 'Barani 2'. Considering this entry of land in the name of non-petitioner as illegal being violative of section 16 of Rajasthan Tenancy Act,1955, the present reference has been made by the Additional Collector (Forth), Jaipur to enter the said land again as 'Gair Mumkin Nala' in the records. Earlier, in this matter, Reference was made by the Additional Collector (Third), Jaipur vide his order dated 28.5.2009 which was partially accepted by the Board of	

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	Revenue on 09.4.2013 in Reference No.4689/2009/LR/Jaipur remanding the matter to Additional Collector with the directions to inspect the land and file a fresh report about the land and thereafter make a fresh reference supported with relevant documents. Hence, the present reference. Heard learned counsel for the parties and perused the record. After hearing the contentions advanced by learned counsel for the parties and going through the matter available on file, it has been found that the reference was made for present khasra No. 346 area 1.96 hectare which is part of corresponding land old khasra No. 55, amongst which 4 bigha 10 biswa each has been allotted to Kajod S/o Mahadev, Dalu S/o Mahadev on 11.7.1964 and 4 bigha 10 biswa to Laxminarain S/o Goru on 21.6.1964 respectively. After that, all three khatedars have sold complete araji land to Ramkishore S/o Shivnath and Settlement Department made new khasra no. 340 area 1.48 hectare and khasra no. 346 area 1.96 respectively changing the nature of the land as 'Barani 2'. Thereafter, the land bearing khasra no. 346 area 1.96 hectare was sold to Dr. Harikrishna S/o Kanchherilal Gupta on 23.5.1995 who sold it again to the present non-petitioner Jitendra Singh S/o Ramkumar Singh on 15.12.2004. The reference was made after 45 years from the date of allotment. This is to mention here that disputed land i.e. present khasra no. 346 was recorded as Banjar in earlier corresponding khasra no. 140 as per Misal Bandobast of Settlement Department Samvat 1987 and was not entered as	

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	'Gair Mumkin Nala' and then this land was recorded as khasra no. 138 in Misal Bandobast of Samvat 2004-2023 and entered as Gair Mumkin Nala. As per Misal Bandobast of Samvat 2046, this land was given new khasra no. 346 and classification was changed to 'Barani 2' which is also entered as 'Barani 2' till date in the records. The above facts were proved by the Tehsildar in his fresh report which is filed on page nos. 51 and 52 of the file. The Tehsildar's report shows that the said land was Banjar and is not covered under the ruling of 'Abdul Rahman Vs. State of Rajasthan' in D.B. Civil Writ Petition No.1536/2003 pronounced on 02.8.2004. In view of foregoing discussions, the reference is dismissed accordingly. Pronounced. (Dr. Rakesh Kumar Sharma) Member	