

**IN THE BOARD OF REVENUE FOR RAJASTHAN, AJMER**

Appeal Decree/TA/2002/3557/Alwar

1. Gulyaram
  2. Kaluram son of Kareeb
  3. Chota
  4. Ramkishan
  5. Beerbal
  6. Manglya
- Sons of Dhandhu, by caste Prajapat residents of Village Pali, Tehsil Rajgarh District Alwar.

...Appellants

Versus

1. Gangaram son of Paltee by caste Bairwa village Nili Tehsil & District Alwar
2. The State of Rajasthan

...Respondents

\*\*\*\*\*

**D.B.**

**Shri Praveen Gupta, Member  
Shri Ramnivas Jat, Member**

**Present :**

- 1- Shri Anil Sharma, Counsel for the appellants
- 2- Shri Ayub Khan, Counsel for the respondent no.1

\*\*\*\*\*

**JUDGMENT**

**Dated 30-7-2019**

This second appeal under Section 224 of the Rajasthan Tenancy Act, 1955 has been filed against the judgment and decree of the Revenue Appellate Authority, Alwar passed in appeal No.141/2001 dated 3.7.2002.

2. In brief the facts of the case are that respondent no.1 Gangaram had filed a suit under Section 88 and 89 of the Rajasthan Tenancy Act, 1955 in the Court of S.D.O., Rajgarh District Alwar for correction of entries in the map. In this suit Gangaram prayed that he was purchaser of khasra no.1079, 1080, 1081 and 1982 measuring 20, 28, 37 and 25 Eir

respectively, but as per his submission their location in the map falls within the area of khasra no.1077, and 1078 and 1069 measuring 65 Eir, 0.3 Eir and 0.6 Eir respectively. In fact as khasra no.1077 measuring 65 Eir, 1069 measuring 0.15 Eir, khasra no.1070 measuring 0.03 and khasra no.1072 measuring 0.25 Eir are charagah land, Gangaram could not prove his case, therefore the trial court dismissed the suit on 13.12.1996. Being aggrieved by the decision, he preferred an appeal in the court of R.A.A., Alwar, which was partially accepted by the R.A.A. and matter was remanded to the S.D.O. Court with the observation that the denovo enquiry be made and after getting report from Tehsildar, the matter be decided afresh. After examining the report received from Tehsildar, concerned S.D.O. decreed the suit on 23.8.2001, in favour of present respondent no.1. Being aggrieved by the decision of S.D.O. and R.A.A. the appellant preferred this second appeal.

3. We have heard the learned counsel for the parties.

4. The learned counsel for the appellants has argued that the both the lower court have erred in decreeing the suit and allowing correction of entries. Admittedly, when respondent no.1 Gangaram according to his submission is purchaser of khasra no.1079, 1080, 1081 and 1082 area 20, 28, 37 and 25 Eirs respectively, and according to this sale-deed, his name was entered in jamabandi to these khasra nos. But by way of this suit he had been given khatedari in khasra no.1077 and 1069, whereas in fact these are charagah land along with khasa no.1077 and 1072. This factual position as per record of right had also been mentioned by the Tehsildar in his report dated 12.6.2000. The trial court misusing its powers and illegal exercise of jurisdiction had passed the judgment in flagrant disregard of this report and entries of record of right. The learned

counsel has also argued that appellant had also purchased khasra no. 1078 from recorded khatedar Narayan. Appellant also hold possession over the khasra no.1077. Being aggrieved from the decision of trial court appellant preferred an appeal after obtaining permission to file an appeal which was subsequently dismissed with cogent reason, failing which the appellant filed this second appeal with the request that S.D.O. has no legal authority to pass illegal judgment by which he has allowed tenancy rights over khasra no.1077 and 1069, which are charagah land, as per entries of record. Thus the judgment passed by the S.D.O. and R.A.A., Alwar deserves to be set aside. Therefore, in view of the above submission the appeal be accepted and the judgment and decree passed by the trial court be quashed.

5. The learned counsel for the respondent in his arguments stated that the matter relates to technical mistake made by the Settlement Department in the entry of khasra numbers in the revenue maps, he further added that the based on the report by the Naib Tehsildar, S.D.O. Court has rightly corrected the recent khasra numbers 1080 measuring .28 Eir and khasra 1081 measuring .37 Eir in place of khasra no.1077 measuring .67 Eir and similarly, have replaced khasra no.1079 min measuring .10 Eir in place of khasra no.1069 min measuring .10 Eir.

6. We have heard the learned counsels for the parties and have carefully perused the record.

7. Naib Tehsildar, Raini (Alwar) in its survey report dated 12.6.2000 has only mentioned that in Settlement Svt. 2046 that present khasra nos. 1078 area 1 hectare, 1078/1412 area 0.07 hectare, 1079 area 0.20 hectare, 1080 area 0.28 hectare, 1081 area 0.37 hectare, 1082 area 0.15 hectare, 1086 area 0.14 hectare, 1087 area 0.12 hectare total 8 in

number measuring 2.43 hectares have been made from old khasra nos. 1000. As per the report, the new khasra nos. should have been prepared, but in the old Jamabandi Svt. 2038 khasra nos. 1261/1000 area 1 bigha 1 biswa, 1257/1000 area 5 bigha, 1260/1000 4 bigha total 3 in number measuring 10 bigha 1 biswa. In the present settlement, the khasra nos. mentioned have been made from old khasra nos. 1000 as per Svt. 2020 settlement, but the new numbers should have been made from 1257/1000, 1260/1000, 1261/1000 as per Jamabandi Svt. 2038. As per Jamabandi of Svt. 2038, khasra no. 1257/1000 area 5 bigha is recorded in the name of Moolchand S/o Shrawan Bhura, in which the latest settlement have been recorded in the name of Moolchand with new khasra no. 1079, 1080, 1081, 1082. But as per the Revenue Map, old khasra no. 1257/1000 should have given way to khasra no. 1078 area 1.00 hectare (1/2) towards the South and khasra no. 1077 (4/5) towards the North (1077 + 1078) and khasra nos. 1072, 1070, 1069 in the New Settlement Maps, but Settlement has prepared the map in the reverse. Old khasra no. 1261/1000 area 1 bigha 1 biswa is in the name of Khairati S/o Chhitar Kumaran in the Jamabandi of Svt. 2038, but in the current Settlement of Svt. 2046, the new khasra no. 1086 area 0.14 hectare and 1087 area 0.12 hectare has been recorded in the name of Khairati. As per the Milan Kshetrphal old khasra no. 1261/1000 should replace with new khasra no. 1078/1000 (1/2), but it has been wrongly prepared. Similarly, in old khasra no. 1260/1000 measuring 4 bigha, Narayan S/o Bhura is the recorded tenant. In the present Settlement, new khasra no. 1078 area 1.00 hectare has been recorded in his name. Khasra nos. 1078, 1080, 1081, 1082, 1086 (total 5) measuring 1.24 hectares should have been made from khasra no. 1260/1000, but

Milan Kshetraphal has been prepared wrongly by the Settlement.

6. As per above discussion it is apparent that the lower court has erred in making amendments in the Revenue Maps without finalising the issue of Charagah land, which is at present in khasra nos. 1077, 1069, 1072 as per the current revenue records, the factual position as per the record of right has also been mentioned clearly by the Naib Tehsildar in his report. Accordingly, detailed Commissioner's report should be taken including the fact that khasra nos. of Charagah land are demarcated properly on the Maps. The judgment passed by the S.D.O. Rajgarh District Alwar dated 23-8-2001 and R.A.A. dated 3.7.2002 are set aside and the matter is remanded to S.D.O. Rajgarh District Alwar with the observation that detailed Commissioner's report may be sought from the Tehsildar with regard to all the khasra nos. in question including the charagah land with respect to status of the land in question in the old revenue map and current revenue map after hearing afresh both the parties and accordingly decide the case within three months from the date of judgment.

Pronounced in the open court.

(Ramnivas Jat)  
Member

(Praveen Gupta)  
Member