

ख्तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज। Appeal Decree/TA/284/2004/Chittorgarh	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
01-10-19	<p style="text-align: center;"><u>D.B.</u></p> <p style="text-align: center;">Shri Shikhar Agarwal, Member Shri Surendra Maheshwari, Member</p> <p><u>Present:</u></p> <ol style="list-style-type: none"> 1. Smt.Poonam Mathur, Counsel for the appellant No.1&2 Addl. Government Advocate 2. Shri Shanti Prakash Ojha, Counsel for the appellant No.3 3. Shri K.K.Purohit, Counsel for the respondents <p style="text-align: center;">*****</p> <p style="text-align: center;"><u>JUDGMENT</u></p> <p>This second appeal has been filed under Section 224 of the Rajasthan Tenancy Act, 1955 seeking quashing the order of Revenue Appellate Authority, Chittorgarh dated 4.9.2003 by which he has upheld the order of A.C.M. Gangrar dated 11.3.2002.</p> <ol style="list-style-type: none"> 2. In this matter land of the non petitioners was taken for a dam for which Government first paid the compensation. Later on, however, the compensation was returned in pursuance of the Government Circular dated 21.10.1967 and land was recorded in the name of the non petitioners. The main issue in this case is whether the land shall be recorded as gair khatedari or khatedari in the consequent upon deposit of the compensation amount. 3. The learned counsel for the petitioners has pointed out that the 1967 Circular of the Government have been withdrawn in 1987. The petitioners, however, could not substantiate this through documents. That counsel for the petitioner have also pointed that the Kism of land directly falls under Section 16 and therefore khatedari ritghts cannot be accrued in such land. 4. The counsel for the non-petitioner on the other hand has argued that as per the acquisition proceedings, compensation is given only to those who are khatedar and since the compensation amount has been returned, the land shall berecorded as khatedari only. 5. We have heard the counsel for both the sides and perused the material available before us carefully. 	

ख्तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज। Appeal Decree/TA/284/2004/Chittorgarh	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
	<p>6. There are many issues which are not clearly dealt in the orders of the two lower courts. Issue of withdrawal of Government circular of 1967, in 1987 and grant of khatedari rights in land covered under Section 16 etc. are some of such issues.</p> <p>7. In view of the above we find it proper to quash the impugned orders of R.A.A. Chittorgarh dated 4.9.2003 and A.C.M.Gangrar dated 11.3.2002 and remand the case to R.A.A. Chittorgarh for hearing the case afresh and decide it within next 4 months.</p> <p style="text-align: center;"> (Surendra Maheshwari) Member </p> <p style="text-align: center;"> (Shikhar Agarwal) Member </p>	