

तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज Appeal Decree No. 5363/2004/TA/Jaisalmer State Vs. Parvati Devi	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
04.10.2019	<p style="text-align: center;"><b><u>Division Bench</u></b> <b>Shikhar Agrawal, Member</b> <b>Sunil Kumar Sharma, Member</b></p> <p><b><u>Present:</u></b></p> <p>Smt. Poonam Mathur : Addl.Govt.Advocate for the appellant. Shri Yogendra Singh : counsel for the respondents.</p> <p style="text-align: center;">- - -</p> <p>This second appeal has been filed by the State against Smt. Parvati Devi &amp; ors. and seeks to get the order of Additional Commissioner (Colonisation) and Revenue Appellate Authority, Jaisalmer dated 16.8.2004 quashed, by which the order of Assistant Commissioner (Colonisation), Jaisalmer-II dated 31.5.2001 has been quashed.</p> <p>The learned advocate appearing on behalf of the Government has stated that the Parcha which was issued to them has been cancelled and appeal filed against that cancellation has also been dismissed. In view of this, they could not have brought the suit for declaration. It has also been pointed out by the learned advocate that the land being shown in 'Dhal Banchh' is different than the one under the instant dispute.</p> <p>The learned advocate for the respondents has stated that the point raised by the learned Addl.Govt.Advocate has not been deliberated upon by the learned lower courts and cannot be raised now. It has further been stated by him that the Settlement Officer cannot do an act as he has done in this case and, therefore, our rights to prove our suit under section 88 are reserved.</p> <p>We have perused the case record and carefully heard the advocates from both sides.</p> <p>After careful consideration of all relevant material, we agree with the arguments advanced by the learned Addl.</p>	

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	<p>Government Advocate and find it appropriate to quash the impugned order of Additional Commissioner (Colonisation) and Revenue Appellate Authority, Jaisalmer dated 16.8.2004. The appeal is accordingly accepted.</p> <p style="text-align: center;">Pronounced.</p> <p style="text-align: center;"> <b>(Sunil Kumar Sharma)</b> Member         <span style="margin-left: 200px;"><b>(Shikhar Agrawal)</b> Member</span> </p>	