

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

**Appeal Decree No.785/2004/TA/Barmer :**

Nainu S/o Shri Rasinga, by caste Purohit, R/o Village  
Balera, Tehsil and District Barmer.

... Appellant.

*Versus*

1. State of Rajasthan, through Tehsildar, Barmer.
2. State of Rajasthan, through Collector, Barmer.

... Respondents.

\* \* \*

**D.B.**

Shri V. Srinivas, Chairman  
Shri Vijay Kumar Soni, Member

**Present :**

Shri S.K. Purohit : counsel for the appellant.

Shri V.P. Singh : Govt. Advocate for the respondents.

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Dated : 26.6.2018

**J U D G M E N T**

Present second appeal is presented under section 224 of the Rajasthan Tenancy Act, 1955 (hereinafter to be referred as "the Act") against the judgment and decree dated 21.10.2003 passed by learned Revenue Appellate Authority, Barmer in appeal no. 20/2003 titled 'Nainu Vs. State of Rajasthan' by which learned R.A.A. rejected the above mentioned appeal.

2. The relevant facts of this second appeal are that plaintiff/appellant filed a suit no. 478/94 under section 88, 188 of the Rajasthan Tenancy Act titled 'Nainu Vs. State of Rajasthan' in the court of Assistant Collector (HQ), Barmer stating that he is in continuous and long possession on the land mentioned in para no. 2 of the plaint. He has never been ejected from the said land. He is living in the land being in continuous and long possession. By virtue of law, he became khatedar, but in revenue record the land in dispute is a

government land so he be declared as the khatedar tenant and permanent injunction should be granted in his favour. The learned Assistant Collector (HQ), Barmer rejected the suit by his judgment & decree dated 31.7.1998 and being aggrieved by that judgment & decree, the plaintiff/ appellant filed first appeal no.20/2003 titled 'Nainu Vs. State of Rajasthan' in the court of learned R.A.A., Barmer who vide his impugned judgment & decree dated 21.10.2003 rejected the first appeal. Being aggrieved by both the learned lower courts' judgment & decrees, the appellant has filed this second appeal before this Board.

3. Heard both the advocates. Considered the arguments of both the advocates and perused the record of both the learned lower courts.

4. It is well settled principle of law that no khatedari rights can be declared on the long and adverse possession. There is no doubt that the land mentioned in the plaint is the government land. Both the learned lower courts have held that the plaintiff/ appellant is a trespasser of the land in dispute. No khatedari rights can be granted to a ranked trespasser. In both the lower courts as well as before this court, no documentary evidence has been put up regarding the rights for the declaration. The scope of section 224 of the Tenancy Act is limited. The grounds which are mentioned in section 224 can be the ground of second appeal. In the present appeal, there are no such grounds mentioned which are the grounds of section 224 of the Tenancy Act. Hence, the second appeal is rejected and judgment & decree dated 21.10.2003 passed by learned Revenue Appellate Authority, Barmer is hereby upheld.

Pronounced in open court.

**(Vijay Kumar Soni)**  
Member

**(V. Srinivas)**  
Chairman

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