

W.R.

IN THE BOARD OF REVENUE FOR RAJASTHAN, AJMER

Appeal/LR/3637/2005/Hanumangarh

Balram s/o Ramchandra Jat, r/o Gram Norangdesar, Tehsil and District
Hanumangarh

...Appellant.

Versus

1. Nikuram adopted s/o Smt. Paridevi Jat r/o Gram Norangdesar Tehsil
and District Hanumangarh
2. The State of Rajasthan through Tehsildar (Revenue Hanumangarh)

...Respondents.

S.B.

Shri Rajinder Kumar, Member

Present :-

Shri Shashi Kant Joshi, Counsel for the Appellant.

Shri K.K.Purohit, Counsel for the Respondent.

J U D G M E N T

Dated: 02-01-2019

1. This second appeal under section 76 of the Rajasthan Land Revenue Act, 1956 is preferred against the judgment dated 21.6.2005 of the learned Revenue Appellate Authority, Hanumangarh passed in appeal No.19/2005.
2. Facts of the appeal in nutshell are that the appellant and the respondent no.1 filed separate applications for allotment of small patch of land situated in chak 13 NDR, Stone no.153/315 killa nos.5, 6, 24 and 25 of Tehsil Hanumangarh. The Sub Divisional Officer-cum-Revenue Appellate Authority, Hanumangarh vide order dated 26.12.2009 ordered to allot the lands of Killa No.5 and 6 to the appellant and the land of Killa No.24 and 25 to the respondent No.1. The cost of the land was determined as four times the value of the land treating the same as 'Johad Paytan'. Assailing the said order, an appeal no.19/05 was

preferred by the appellant in the court of learned Revenue Appellate Authority, Hanumangarh which came to be accepted in its entirety vide the judgment dated 21.6.2005. Despite it, the appellant has filed this second appeal against the judgment passed in the first appeal for the reasons best known to him.

3. I have heard learned counsels for the parties.
4. Learned counsel for the appellant submitted that though the first appeal of the appellant was accepted yet the first appellate court illegally remanded the matter to the allotment authority and hence, the appellant had to prefer this appeal.
5. Learned counsel for the respondent no.1 submitted that this appeal is nothing but an abuse of the process of this court and thus, it is required to be dismissed with heavy costs.
6. Having given my anxious consideration to the above submissions and upon perusal of the impugned judgment, it is revealed that the entire land was allotted in favour of the appellant by the first appellate court and that too at the rates proposed by him. Therefore, all the grievances of the present appellant stood satisfied by passing of the impugned judgment and still he has filed this second appeal without any factual or legal basis either to delay the payment of the cost of the land or to unnecessarily harass the respondents, which is an abuse of the process of the court. The appellant has filed this frivolous and vexatious appeal without reasonable ground with an easy approach "Let the court decide it." This Board strongly condemns this approach of the appellant. Therefore, this appeal is liable to be dismissed with a cost of Rs. 25,000/-.
7. Resultantly, the appeal in hand is dismissed with a cost of Rs.25,000/-. The appellant shall deposit this amount with the Registry of this Board within a period of thirty days from today. Out of the said amount, a sum of Rs.5,000/- shall be paid personally to the respondent no.1 and the remaining amount shall be deposited with the District Legal Services Authority, Ajmer. If the appellant fails to deposit this amount within the

stipulated period, the same shall be recovered from him in accordance with law by initiating separate recovery proceedings against him under the provisions of the Rajasthan Land Revenue Act, 1956.

Pronounced.

(Rajinder Kumar)
Member