

तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज Revision No. 3983/2005/LR/Dholpur Mahesh Kumar Vs. Riico Growth Centre	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
06-10-2021	<p style="text-align: center;"><u>Single Bench</u></p> <p style="text-align: center;">Ravi Dangi, Member</p> <p><u>Present:</u></p> <p>Shri J.K. Pant : counsel for the petitioner. Shri Ajeet Lodha : counsel for the non-petitioner no 1.</p> <p style="text-align: center;">- - -</p> <p>This revision petition has been filed under section 84 of the Rajasthan Land Revenue Act, 1956 against the judgment of learned Additional Divisional Commissioner, Jaipur dated 05.7.2005 in appeal no. 4/2005.</p> <p>Facts apposite giving rise to this revision are that the petitioner was in possession over the disputed land bearing khasra no. 208 min admeasuring 5 bigha in Gram Sanda since 20 years, however vide mutation No. 694 dated 10.02.2003 it was endorsed in the name of RIICO/non-petitioner no. 1. Against which an appeal was filed by the petitioner before Additional District Collector, Dholpur but the same was rejected vide judgment dated 03.9.2004. Against this, second appeal was filed before the Additional Divisional Commissioner, Jaipur, who vide the judgment dated 05.7.2005 rejected the appeal. Aggrieved by it, this revision has been filed.</p> <p>Heard the learned counsels.</p> <p>The counsel for the petitioner reiterated the averments made in the memo of revision. He further argued that the judgments of the Additional Divisional Commissioner, Jaipur dated 05.7.2005 and of Additional District Collector, Dholpur dated 03.9.2004 be set aside and also the mutation no. 694 dated 10.02.2003 drawn by Tehsildar, Dholpur as they are against the law & fact. His main contention being that he was in possession of the disputed land since last 20 years and the</p>	

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	<p>Tehsildar on 22.10.2002 had recommended for regularization in his favour. Apart from it, the RIICO/ non-petitioner no. 1 has not paid the premium amount also.</p> <p><i>Per contra</i>, the counsel for the non-petitioner no.1 argued that the mutation no. 694 dated 10.02.2003 and thereafter the judgments of the Additional District Collector, Dholpur and Additional Divisional Commissioner, Jaipur were absolutely as per the law. The land has been allotted for public interest for governmental work. It was sewai chak land and vide mutation no.694 dated 10.02.2003, khasra no. 208/1 min admeasuring 13 bigha and 11 biswa of land having soil classification as banjad, was endorsed of the favour of non-petitioner no.1. Mere illegal possession, if any, does not confer any legal right. Mauka Report dated 24.03.2004 does not reveal petitioner's possession. Petitioner is resident of Dholpur, so was not eligible for regularization. The Collector, Dholpur allotted the disputed land to RIICO/ non-petitioner no.1. Petitioner has challenged the mutation but not the allotment. Non-payment of premium, if any, by non-petitioner no. 1 is intra dispute between non-petitioner no. 1 and the Government. The revision deserves to be rejected.</p> <p>Gave thoughtful consideration to the arguments of the learned counsels and perused the material available on record.</p> <p>The disputed land bearing khasra no. 208/1 min admeasuring 13 bigha 11 biswa in Gram Sanda, Tehsil Dholpur was recorded as sewai chak land. The Collector, Dholpur has allotted the said land to non-petitioner no.1 in public interest for governmental work. Thus, mutation no. 694 dated 10.02.2003 was opened. Mere recommendation does not confer any legal rights to the petitioner. The petitioner is a resident of Dholpur and not of Gram Sanda. Only the mutation has been challenged</p>	

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	<p>by the petitioner. Non-payment of premium is a intra dispute between non-petitioner no. 1 and the Government. Mauka report dated 24.3.2004 does not reveal petitioner's possession. Petitioner's possession over the disputed land is not supported by any cogent evidence. The reasons given in the impugned judgment are just and as per the law in which there is no jurisdictional error or material irregularity.</p> <p>Due to the aforesaid reasons, the revision deserves dismissal and is hereby dismissed.</p> <p>Pronounced.</p> <p style="text-align: center;">(Ravi Dangi) Member</p>	