

तारीख हुक्म	हुक्म या कार्यवाही मय इनिशियल्स जज Appeal Decree No. 5463/2005/TA/Jaisalmer Government Vs. Harkharam	नम्बर व तारीख अहकाम जो इस हुक्म की तामील में जारी हुए
18-08-2020	<p style="text-align: center;"><u>Division Bench</u> Shikhar Agrawal, Member Surendra Kumar Purohit, Member</p> <p><u>Present:</u></p> <p>Smt. Poonam Mathur: Add. Govt. Advocate. Shri Purna Shankar : Counsel for the Respondent.</p> <p style="text-align: center;">- - -</p> <p>This is second appeal filed against the order of Learned Revenue Appellate Authority, Barmer dated 10-02-2004 by which he has upheld the order of trial court dated 10-04-2003. We have heard the learned advocates for both sides.</p> <p>Add. Govt. Advocate states that the khatedari rights cannot be Government land only on the basis of statement of the Patwari recorded in the Trial court and there is nothing on the record to prove that the land allotted was same as that for which the khatedari rights have been sought. She has further stated that even the 'Milan Chetraphal' has not been brought on record and therefore it would be fair to get the merit of the case examined at the level of the Trial court again.</p> <p>Learned advocate for the respondent stated the allotment of land was by the Government in 1971 and they had to file suit as in 2003 as revenue authorities did not grant them in khatedari right. He has have stated that the village in which the land allotted was divided in two revenue villages and the khatedari rights have been given to them by two courts on the same land which was originally allotted.</p> <p>We have heard the learned advocates for both sides and perused the case record.</p> <p>It is clear from the record that there is no clear and confirmation land that allotted and on which khatedari rights have been sought are same. Also, there is no clear explanation</p>	

