

IN THE BOARD OF REVENUE FOR RAJASTHAN, AJMER

Reference/LR/2675/2006/Alwar.

State of Rajasthan through Tehsildar, Tijara Distt. Alwar.

...Petitioner.

Versus

1. Laxmi Devi wife of Dharampal
2. Sandeep (deceased) son of Dharampal

Both by caste Ahir residents of Kankardipa Tehsil Behror Distt. Alwar.

...Non-petitioners.

S.B.

Shri Ravi Dangi, Member

Present:-

Shri Rajendra Prasad Meena, Dy. Govt. Advocate for petitioner.

No one present on behalf of the non-petitioners.

Date:22.8.2022

J U D G M E N T

This reference has been forwarded to the Board vide order of Additional Collector (Second) Alwar vide his judgment dated 30.12.2005 in reference No. 15/86/05 under section 82 of the Rajasthan Land Revenue Act, 1956.

2. Heard the learned counsel for the petitioner/ State as none appeared on behalf of the non-petitioner despite registered AD notice being sent. The name of the non-petitioner No. 2 was deleted vide order of the Board dated 12.11.2021.

3. Learned counsel for the petitioner/ State argued that as per the revenue record of Svt. 2004 of village Gothada 'Nijamat' Tijara, the khasra No. 410 area 2 bigha and 10 biswa was recorded as Gair-Mumkin-Nala. As per the Milan Kshetrphal, from the sabik khasra No. 410 min area 3 biswa and khasra No. 411 min area 1 bigha and 6 biswa, khasra No. 217 area 1 bigha and 9 biswa were made. The jamabandi of svt. 2060-63 reveals that Dharampal son of Prahalad Aheer was the recorded khatedar of khasra No. 217 area 1 bigha 9 biswa and the land was having the soil classification as Barani Soyam. Vide mutation No. 667 dated 29.11.2004, Laxmi Devi and Sandeep succeeded as the legal representatives of the deceased Dharampal.

Thus, prayed to accept the reference and restore the disputed aaraji of khasra No. 217 area 0.03 bigha as siwai chak with soil classification as Gair-Mumkin-Nala. He also draw attention to section 16 of the Rajasthan Tenancy Act and Abdul Rehman's case.

4. Considered the arguments of the petitioner and perused the material available on record.

5. To begin with, as per the revenue record of Svt. 2004 of village Gothada 'Nijamat' Tijara, the khasra No. 410 area 2 bigha and 10 biswa was recorded as Gair-Mumkin-Nala. As per the Milan Kshetrphal, from the sabik khasra No. 410 min area 3 biswa and khasra No. 411 min area 1 bigha and 6 biswa, khasra No. 217 area 1 bigha and 9 biswa were made. As per the record, Amar Singh sold the disputed land to Dharampal. The jamabandi of svt. 2060-63 reveals that Dharampal son of Prahalad Aheer was the recorded khatedar of khasra No. 217 area 1 bigha 9 biswa and the land was having the soil classification as Barani Soyam. Vide mutation No. 667 dated 29.11.2004, Laxmi Devi and Sandeep succeeded as the legal representatives of the deceased Dharampal. Apart from it, other documents have been filed which reveal as to how the disputed land changed its hand till it percolated to Dharampal. The map has also been appended of khasra No. 217. But khasra No. 217 is made from khasra No. 411 min area 1 bigha 6 biswa also along with the disputed khasra No. 410 min area 0.03 bigha. Thus, no any evidence / document has been appended with the record which clarify the location exactly of khasra No. 410 min area 0.03 bigha. Sans this, the reference cannot be allowed.

Thus, in view of the above discussion, the reference is rejected but the petitioner/ State is given liberty to file the reference afresh after assimilating the required documents.

Pronounced in open court.

(Ravi Dangi)

Member