

| तारीख हुक्म | हुक्म या कार्यवाही मय इनिशियल्स जज<br>Appeal No. 6124/2006/LR/Bharatpur<br>Sumer Khan Vs. Deenu   | नम्बर व तारीख<br>अहकाम जो इस<br>हुक्म की तामील<br>में जारी हुए |
|-------------|---|--|
| 01.10.2019  | <p style="text-align: center;"><b><u>Single Bench</u></b></p> <p style="text-align: center;"><b>Shikhar Agrawal, Member</b></p> <p><b><u>Present:</u></b></p> <p>Shri Ramjan Mohammad : counsel for the appellants.<br/>Shri Ajeet Lodha : counsel for respondent no.1.</p> <p style="text-align: center;">- - -</p> <p>The instant appeal filed under section 76 of the Rajasthan Land Revenue Act, 1956 seeks to get the order dated 01.8.2006 of Divisional Commissioner, Bharatpur quashed.</p> <p>I have heard the learned advocates from both sides and carefully perused the record.</p> <p>The learned advocate for the appellants has reiterated the history of the case and has pointed out that till the time, the original Patta is cancelled. The order has no effect as the mutation is only a fiscal proceeding. It has also been pointed out by him that there is no shamshan or kabristan at site and Patta was given by Custodian Department for agriculture.</p> <p>The respondents on the other hand have pleaded that the Patta in question is not on record and land being covered under section 16 of the Rajasthan Tenancy Act cannot be allotted. They have pointed out in particular in para 8 of the order of the Divisional Commissioner by which allotment was cancelled that the appellants have not filed any appeal against the order cancelling the allotment.</p> <p>I have carefully considered the arguments made and the material available on record. I find no reason to interfere with the order of Divisional Commissioner, Bharatpur dated 01.8.2006. The appeal is dismissed accordingly.</p> <p style="text-align: center;">Pronounced.</p> <p style="text-align: right;"><b>(Shikhar Agrawal)</b><br/>Member</p> |  |