IN THE BOARD OF REVENUE FOR RAJASTHAN

Review /TA/2595/2001/Bikaner

State Government through Assistant Colonization Commissioner.
Kolayat, Bikaner.

Petitioner

Versus

1. Shri Godu Khan s/o Nasir Khan
2. Shri Chinni khan s/o Nasir Khan deceased through Legal
   Representatives:-
   2/1 Smt. Pathani wife of Shri Chinni khan
   2/2 Shri Habib Khan s/o Shri Chinni khan
   2/3 Shri Jumme Khan s/o Shri Chinni khan
   2/4 Shri Amir Khan s/o Shri Chinni khan
   2/5 Kum. Tajiya d/o Shri Chinni khan
   2/6 Kum. Bheerai d/o Shri Chinni khan
3. Fazal Khan s/o Nasir Khan,
   All by caste Muslaman r/o Bhurasar Colonization Tehsil Kolayat
   no.2 Distt. Ajmer.

W.P

Non-petitioners

S.B

Shri Bajrang Lal Sharma, Member

Present :-
Shiri Mukesh Dadhich, Dy. Government
Shri N.K.Goyal, counsel for non-petitioners

JUDGMENT

Date:30.8.2011

This review petition has been filed under section 229 of the Rajasthan Tenancy Act,1955 by the State of Rajasthan being aggrieved by the judgment dated 30-10-99 passed by the single bench of this court in a reference case no 25/99. .

2. Brief facts of this review petition are: that a regular suit was filed by Shri Godu khan, Shri Chinni Khan and Shri Fazal Khan sons of Shri Nasir Khan under section 88,188 and 15AAA of the Rajasthan Tenancy Act read with section 125 and 136 of the Rajasthan land Revenue Act, 1956 in the court of Assistant Colonization Commissioner, Kolayat (Bikaner). This suit was decreed by the trial court on 19-05-1986. The State Govt. filed the reference under section 232 of the Rajasthan Tenancy Act, 1955 against the Judgment and decree passed by the trial court which was dismissed as misconceived by the single bench of this court on 30-10-1999. Being aggrieved by the judgment of this court the State Government filed a writ

petition no 1160/2000 in the High court. The Hon'ble High Court heard the counsel of the State and found it appropriate, in the circumstances of the case, to dismiss the Writ petition and permitted the State of Rajasthan to file a review petition before the Board of Revenue, Ajmer. Hence, this review petition.

3. Heard the counsels of the respective parties on this review petition as well as on merits of the reference petition filed by the State. Therefore, with the consent of the counsels of the parties, the Judgment is written simultaneously and the copies of the judgment may be kept on both the files.

4. The learned Government counsel contended that this review petition has been filed against the judgment passed on 30-10-1999 by this court. He argued that this review petition has been filed on14-08-2001 as per the permission granted by the Hon'ble high court in its order dated 28-03-2001 in writ petition no 1160/2001. He further submitted that the delay in filing the review petition has been explained in detail in the application under section 5 of the Limitation Act and an affidavit in support of the application has also been filed. He urged the court to accept this application and decide the review petition on merits. The learned counsel submitted that this court has committed a mistake in considering the evidence and facts available on file and there is an error apparent on the face of the record.

5. The learned counsel for the state further submitted that the khasra numbers of the plaint and the decree passed by the trial court do not match. And the issues in this case have not been framed on the basis of the reply filed by the state in the trial court. He also argued that there was no document filed by the plaintiffs in support of their claim and the judgment of the trial court does not comply with the mandatory provisions of the Civil Procedure Code (Order 20 rule 05). He further argued that this court has erred in considering the glaring facts and objections raised by the state while deciding this case. The counsel finally urged the court to look into

the file of the trial court wherein gair khatedari of 193 bighas of Government land has been given to the non-applicants without an iota of evidence. He submitted that this court has just ignored all the facts and evidence which were self speaking and conspicuous on the file therefore this review petition be accepted and the judgment dated 30-10-1999 passed by this court may be recalled.

6. The learned advocate for the non petitioners submitted that this review application deserves to be dismissed on limitation as it has been filed on 14-08-2001 even after Hon'ble high court's order dated 28-03-2001. He argued that the petition is time barred. He contended that this court while deciding this case considered all the objections raised by the state and carefully perused the file of the trial court. He submitted that this court has passed a reasoned and just judgment after considering the arguments of respective counsels of the parties. The learned advocate also submitted that one non petitioner Shri Chinni khan died on 12-01- 97 and his legal heirs have not been brought on record in time, therefore this petition has abated. The learned counsel argued that there is no apparent error on the face of the record and there is no mistake committed by this court in considering the facts and evidence available on the file. He also submitted that this court has very limited jurisdiction in review matters and the case can not be reheard on merits under this jurisdiction. He finally urged the court to dismiss this review petition with costs.

7. I have given conscious consideration to the arguments advanced by the counsels of rival parties and have perused the record meticulously.

8. In this case, this is a fact that Shri Chinnikhan died on 12-01-97 and the application for bringing his legal heirs on record has been filed by the state on 21-05-2005. This is also very pertinent to mention here that when the final judgment was passed by this court in this reference case on 30 -10 -99 Shri Chinni khan was not alive and the advocate of the deceased non petitioner, who was under obligation to inform the court, did not comply with the provisions of order 22 rule 10A. On the contrary he argued the case on behalf of the deceased non petitioner on 25-8-99. Even in the high

court while filing the writ petition this fact was not brought on record. In these circumstances this court accepts the application filed by the state and the legal heirs of the deceased Shri Chinni Khan are brought on record.

9. This is undisputed that this review petition has been filed by the state on 14-08-2001 despite the Hon'ble high court's order dated 28-03-2001 in the writ petition no 1160/2001. The application filed by the state under section 5 of the Indian Limitation Act explains in detail about the reasons of delay in filing this petition belatedly. This court is satisfied by the explanation given by the petitioner state on delay in filing this review petition. Therefore, in the larger interest of justice the application of the petitioner filed under section 5 of the limitation Act is accepted.

10. On perusal of the files of this court and the trial court this is apparently clear that the details of the disputed land given in the plaint and the judgment and decree are in contrast. There is hardly any document on file in support of the claim of the plaintiffs. The issues framed by the trial court do not reflect the dissenting reply of the defendant state. This also manifests prima facie from the record that important issues pertaining to law and facts raised in the reference have not been considered while disposing of the case. in these circumstances, this court finds it appropriate to rely on the Apex court's judgment in S. Nagraj & others Vs. State of Karnataka & Anr. 1993 Supp (4) SCC 595.In this case the Apex court has held that:

Review literally and judicial means re-examination or re-consideration. Basic philosophy inherent in it is the universal acceptance of human fallibility. Yet in the realm of law, the courts and even the Statutes lean strongly in favour of finality of decision legally and properly made. Exceptions both statutorily and judicially have been carved out to correct accidental mistakes or miscarriage of justice ..... The expression, 'for any other sufficient reason' in the clause has been given an expanded meaning and a decree or order passed under misapprehension of true state of circumstances has been held to be sufficient ground to exercise the power.

11. In light of the observations made above this court is convinced that there has been an error apparent on face of the record in this case. On

perusal of the case file it distinctly appears that egregious omissions and serious mistakes of grave nature have taken place while deciding this case. In these circumstances, the judgment of this court requires to be cured in larger interest of justice.

12. As discussed above, the review application filed by the petitioner State is accepted and the judgment passed by this court on 30-10-99 in reference case no 25/99 is hereby recalled. Since the argument of learned counsels have been heard on the merits also along with the arguments on review application, therefore, with the consent of the counsels. this court finds it appropriate to cure the judgment of this court passed in this reference case on 30-10-1999. The copy of the judgment may be kept on both the files of this court.,

13. The brief facts of this reference case are that a regular suit was filed by Shri Godu khan, Shri Chinni Khan and Shri Fazal Khan sons of Shri Nasir Khan under section 88,188 and 15AAA of the Rajasthan Tenancy Act read with section 125 and 136 of the Rajasthan land Revenue Act,1956 in the court of Assistant Colonization Commissioner, Kolayat (Bikaner) on 16 04 85. In the plaint, the plaintiffs averred that they are originally residents of the village Bhurasar (Tehsil Kolayat) and their ancestors were gair khatedar tenants of khasra no. 1491, 1492, 1493, 1494, 1495 and 1496 measuring in total 193 bighas and 6 biswas of land in Bhurasar village. This disputed land was entered as Government land in Revenue record; therefore the State government t was impleaded as the sole defendant in this case. The reply was filed on behalf of the State Government by the Tehsildar, colonization, Kolayat on the first date of hearing. in the reply the state strongly objected to the averments of the plaintiffs and clearly stated that the plaintiffs have no possession and they have filed this suit just to grab this land in question. The plaintiffs framed four issues in this suit which were accepted by the presiding officer. This suit was decreed by the trial court on 19-05-1986. The State Govt. filed the reference under section 229 of the Rajasthan Tenancy Act, 1955 against the Judgment and decree passed by the trial court which was dismissed as misconceived by the

single bench of this court on 30-10-1999. Being aggrieved by the judgment of this court the State Government filed a writ petition no 1160/2000 in the High court. The Hon'ble high court heard the counsel of the State and found it appropriate, in the circumstances of the case, to dismiss the Writ petition and permitted the State of Rajasthan to file a review petition before the Board of Revenue, Ajmer. This review petition is accepted and consequently the judgment dated 30-10-99 passed by this court has been recalled.

14. The learned government advocate submitted that the plaint filed by the plaintiffs in the trial court is misleading and baseless. He contended that the plaintiffs did not file any document of revenue record in support of their claim, the Khasra numbers mentioned in the plaint do not even exist in village Bhurasar and the plaintiffs are also not residents of Bhurasar village. He pleaded that there is no document on record which can prove their possession on the land in question. He further argues that the reply filed on behalf of the state Government is very specific and has vehemently denied the claim of the plaintiffs. He expressed amazement and pointed out that when there is no document to prove their long and uninterrupted possession on the government land and even the khasra numbers mentioned in the plaint do not exist in Bhurasar village how the court could grant gair khatedari on 193-06 bighas of government land. He further submitted that the court has relied on two witnesses, out of them, one of the witnesses was not born in svt.2012 and the other was only 06 years old in svt. 2012, therefore how their evidence could be a basis for proving uninterrupted possession of the plaintiffs on 193-06 bighas of government land since Svt.2012. He also pleaded that the trial court has connived with the plaintiffs and has granted them a largesse in garb of a court order granting gair khatedari on 193 -06 bighas. He also submitted that in such cases of gross perversity in the judgment the issue of limitation should be overlooked in the larger interest of justice. He finally urged the court that the decree and judgment passed by the trial court is wholly perverse and illegal. Therefore, it should be set aside and the land in question be entered as Government land.

15. The learned counsel for the non applicants submitted that the reference filed by the state is hopelessly time barred because it has been filed after the lapse of about 9 years. Therefore it should be dismissed solely on the ground of limitation. He placed reliance on the judgment passed by the Hon'ble high court in State of Rajasthan Vs. Teja and others cited in RRD June 2005 page 365. He further submitted that the trial court has complied with all the procedures required under law and even has inspected the site. The trial court has also framed four issues and taken evidence of the plaintiffs. He argued that where the decree or judgment is appealable, the reference can not be filed. He further contended that the trial court has provided ample opportunities to the defendant state but they chose not to produce any evidence. He further submitted that the plaintiffs produced two witnesses and their evidence is irrevocable. He argued that as per the provisions of the Evidence Act oral evidence is equally reliable and admissible. He placed reliance on the judgment passed by Rajasthan high court in Saukhan Vs. State of Rajasthan cited in RLW 1990 (2) 543. The learned counsel also urged the court that the Deputy Commissioner. Colonization is not competent to file the reference as has been observed by the Hon'ble high court in Ramzan Khan Vs. state of Rajasthan in DB special appeal no789/2003 decided on 02-03-2007. He argued that the Hon'ble high court has categorically inferred that the reference filed by the Deputy Commissioner of Colonization Department is not competent and the notification delegating the powers of the collector is bad in eye of law.

In the end the learned counsel urged the court to dismiss this reference as it is misconceived, devoid of merit and hopelessly time barred.

16. I have given thoughtful and conscious consideration to the rival contentions of the parties and perused the record carefully.

17. First of all, this court has scrutinized the file of the trial court. The Precise and careful perusal reveals the following glaring facts in this case:

(i) The plaintiffs filed a suit Under section 88, 188 and 15AAA of the Rajasthan Tenancy Act ,1955 read with section 125 and 136 of the Land Revenue Act,1956 for declaration of their Gair khatedari rights on 193-6 Bighas of Government land on the basis of their uninterrupted possession since svt.2012.and gair khatedari of their ancestors.

(ii) The plaintiffs aver that their ancestors were in possession and gair khatedar of the land (Khasra no 1491 to 1496 measuring 193-06 bighas in Bhurasar village) there is no sajra or pedigree which can prove any link between some khandu khan (the so called ancestor) and the plaintiffs.

(iii) The plaintiffs did not submit any documentary proof of relevant revenue record even to prove whether Khasra no 1491, 1492, 1493, 1494, 1495 and 1496 measuring 193-6 bighas do exist in village Bhurasar. The facts given in the plaint are not supported by the mandatory document, that is, copy of the jambandi revealing the details of the land such as Khasra numbers, their area, name of the village where such land is located, whether such land is charagah, barani or irrigated, in whose name the land is entered in the current jamabandi. The presiding officer's inspection note reads that these khasra numbers do not even exist in Bhurasar village.

(iv) This regular suit was registered as an application by the trial court and disposed of as a regular suit which was decreed on 19-05-86 granting gair khatedari rights on 193-06 bighas of govt. land based on long possession since svt.2012. An application under section 136 is a summary proceeding and a case registered as an application can not be converted in form of a suit and decreed without detailed adjudication.

(v) The state filed the reply even on the first date of hearing in the trial court and vehemently denied the averments of the plaintiffs. But the trial court accepted the four issues framed by the plaintiffs and altogether ignored the reply filed by the defendant state. The issues framed by the plaintiffs do not represent the denial of the state on most important averments like of possessions and details of the land.

(vi) The khasra numbers mentioned in the plaint are entirely different than the khasra numbers mentioned in the decree of the trial court.

(vii) The decree has been issued against the state but notice under section 80 of the civil procedure code has not been given. There is an application

under section 80 (2) of the CPC on which no decision has been made. Any reasonable mind can not comprehend that when the suit for declaration is being filed after 30 years, on what grounds the mandatory provision has been relaxed and what relief has been granted on the basis of urgency. The application under Section 80 (2), in this case, has been filed to circumvent the basic provisions.

(viii) The trial court has relied entirely on the half page examination in chief of two witnesses whose own age was 26 years and 36 years respectively. These witnesses have tried to support the averments of the plaint that the plaintiffs are in possession of the land in question since svt 2012 when one of them was not born and the other was just six year old. The statements of these witnesses are not specific. They hide more and reveal less. The statements are based on conjectures and surmises which can hardly be a sole basis of passing a decree and a little consequence for the court to rely on.

(ix) The presiding officer of the court has inspected the site of the land in question and found the possession of the plaintiffs on 10-15 bighas only in khasra number 29 and not on the khasra numbers mentioned in the plaint. Despite this fact of possession, the presiding officer granted gair katedari rights on 193-06 bighas of govt. land. The inspection note is barely of half a page and does not bear even signatures who were present at the time of inspection.

(x) An unattested photo copy of dhal-banchh (cash book) has been submitted by the plaintiffs wherein some khandu khan has been shown as gair khatedar and some amount has been shown as outstanding and deposited. There is no evidence on file which can establish some link between shri Khandu Khan and the plaintiffs. The Tehsildar in his reply has categorically denied any link between them and the reply reads that this suit has been filed just to grab the government land as they have never been in possession of the government land in question. If some village has a dhal banchh (cash book) how it can be said that jamabandi and revenue records from svt. 2012 to 2042 have not been prepared.

(xi) The presiding officer had accessibility to the land records but did ignore to even peep in to the land records maintained by the Revenue

department. It was expected of him to verify the details about the land on which he is granting khatedari rights. Even the patwari was not examined to enquire about the basic details about the existing entries and possession on the land in question.

18. This is undisputed that the trial court passed the impugned judgment and decree on 19-05-86 and the state Govt has filed the reference on 22-04-95 that is almost after 09 years. Though there is no time limit prescribed in the Act for filing reference, yet the issue of limitation raised by the non-petitioners will be examined in the light of the circumstances of this case. The perusal of the file of the trial court reveals that the presence of the defendant state has been shown only at two places- firstly at the time of filing the reply and secondly at the time of arguments. This is a peculiar case wherein the presiding officer has maneuvered to make out the case of plaintiffs out of nothing, he ignored the revenue records and the reply of the defendant state. In this case a large chunk of land has been siphoned off in favour of some individuals in guise of a court decree without any justifiable basis. It is some sort of connivance on the part of trial court and the process of the court has been abused to benefit some individuals. The Land owned by the Government is basically a land Bank of the state. Such lands can be allotted or set apart for specific public purpose in the times to come under various rules made by the legislature. Such precious public property is not open to be usurped by the vested interest nor it can be given to any individual on whims and fancies of the Government officials without adhering to legitimate procedure and rules.

19. This is a case where the presiding officer has declared the plaintiffs Gair khatedar of 193-06 bighas of Govt. land in garb of a court order ignoring the basic court procedures. In such a case, this court is of the opinion that the issue of limitation is being felt as a technical objection which should not come in the way to administer justice. If such a perverse decree remains intact only on the basis of limitation, this will frustrate the very purpose of the deliverance of the substantial justice on a sheer technical issue of limitation. This court is fortified in this regard by the

Apex court pronouncement made in Madras Port trust Vs. Hymanshu International cited in AIR1979 (SC) 1144. The Apex Court has held:-

The plea of limitation based on this section is one which the court always looks upon- with disfavour and it is unfortunate that a public authority like the Port Trust should, in all morality and justice, take up such a plea to defeat a just claim of the citizen. It is high time that governments and public authorities adopt the practice of not relying upon technical pleas for the purpose of defeating legitimate claims of citizens and do what is fair and just to the citizens.

20. Besides the observations made above, the Apex Court has also very plainly held in 'State of Karnatka Vs. Moideen Kunhi (dead) by LRs and Ors.' In this case the court has inferred as under:

On perusal of the explanation offered it is clear that the officials who were dealing with the matter have either deliberately or without understanding the implications dealt with the matter in a very casual and lethargic manner. It is a matter of concern that in very serious matters action is not taken as required under law and the appeals/petitions are filed after long lapse of time. It is a common grievance that it is so done to protect unscrupulous litigants at the cost of public interest or public exchequer. This stand is more noticeable where vast tracts of lands or large sums of revenue are involved. Even though the courts are liberal in dealing with the belated presentation of appeals/applications, yet there is a limit upto which such liberal attitude can be extended. Many matters concerning the State Government and the Central Government are delayed either by the nature of bureaucratic process or by deliberate manipulation of the same by taking advantage of loopholes in the conduct of litigation. Several instances have come to the notice of this Court where as noted above appeals have been filed where the revenue involved runs to several crores of rupees. It is true that occasionally delay occurs which is inexplicable in normal circumstances.

The case at hand is a classic example where the circumstances are the same. More than 4000 acres of land are involved out of which, according to the State, nearly 3500 acres constitute forest land. Ultimately, the Court has to protect the public justice. The same cannot be rendered ineffective by skillful management of delay in the process of making challenge to the order which prima facie does not appear to be legally sustainable.

The expression `sufficient cause' as appearing in Section 5 of the Indian Limitation Act, 1963 (in short the `Limitation Act') must receive a liberal construction so as to advance substantial justice as was noted by this Court in G. Ramegowda, Major etc. v. The Special

Land Acquisition Officer, Bangalore (AIR 1988 SC 897). Para 8 of the judgment reads as follows:

.....The law of limitation is, no doubt, the same for a private citizen as for governmental authorities. Government, like any other litigant must take responsibility for the acts or omissions of its officers. But a somewhat different complexion is imparted to the matter where Government makes out a case where public interest was shown to have suffered owing to acts of fraud or bad faith on the part of its officers or agents and where the officers were clearly at cross-purposes with it.

Therefore, in assessing what, in a particular case, constitutes ;sufficient cause; for purposes of Section 5, it might, perhaps, be somewhat unrealistic to exclude from the considerations that go into the judicial verdict, these factors which are peculiar to and characteristic of the functioning of the government. Governmental decisions are proverbially slow encumbered, as they are, by a considerable degree of procedural red tape in the process of their making. A certain amount of latitude is, therefore, not impermissible. It is rightly said that those who bear responsibility of Government must have a little play at the joints;. Due recognition of these limitations on governmental functioning -- of course, within reasonable limits -- is necessary if the judicial approach is not to be rendered unrealistic. It would, perhaps, be unfair and unrealistic to put government and private parties on the same footing in all respects in such matters. Implicit in the very nature of governmental functioning is procedural delay incidental to the decision-making process. In the opinion of the High Court, the conduct of the law officers of the Government placed the Government in a predicament and that it was one of those cases where the mala fides of the officers should not be imputed to Government.

21. In light of the Apex court pronouncements cited above, this court is of the opinion that in peculiar circumstances of this case where the trial court has granted gair-khatedari rights on the vast chunk of land to the non-petitioners without any evidence. There is public interest involved in this case as the Govt. land has been arbitrarily given in guise of a court decree. Therefore, in larger interest of justice and to protect the public interest, this court would prefer to decide this case on merits and the delay in filing the reference is hereby condoned.

22. The advocate of the non petitioners has raised another objection that he deputy commissioner of colonization department is not competent to file the reference and he has placed reliance on a high court judgment passed in Ramzan khan Vs. state. This court has gone through the judgment passed

by the Hon'ble high court. The Hon'ble high court has allowed the appeal on various grounds along with this ground. This court has been apprised by the Government Advocate that Hon'ble Supreme Court has already granted stay on 2.5.2008 on the decision passed by Hon'ble High Court in D.B. Special Appeal No. 789/2003 titled 'Ramzan Khan Vs. State'. Therefore, this cannot be held that Dy. Commissioner Colonisation is not competent to file this reference.

23. The bare perusal of the file of the trial court manifests unequivocally that there was no evidence before the trial court to prove the plaint. The reply filed by the defendant State was just overlooked. The Issues were not framed on the basis of the reply filed by the defendant. The certified copy of the current jamabandi about the land in question is a mandatory document for a suit for declaration of khatedari rights or an application for correction of entries. The trial court registered this case as an application for summary trial but the court decreed the suit without complying the procedure laid down for disposal of a suit. The findings of the trial court are unusual, irrational and baseless.

24. This court feels strengthened by the Apex court judgment passed in H.B.Gandhi & others Vs. Gopinath & sons, 1992 Supp (2) SCC 312 wherein it has been held that if a finding of fact is arrived at by ignoring or excluding relevant material or by taking into consideration irrelevant material or if the finding so outrageously defies logic as to suffer from the vice of irrationality incurring the blame of being perverse, then the finding is rendered infirm in law.

25. The Apex court has also observed in Triveni Rubber & plastics Vs. Collector of Central Excise.Cochin, AIR1994 SC 1341 that the order suffers from perversity in case some relevant evidence has not been considered or that certain inadmissible material has been taken in to consideration or where it can be said that the findings of the authorities are based on no evidence or that they are so perverse that no reasonable person would have arrived at those findings.

26. The Supreme court of India has also held in Kuldeep singh Vs. Commissioner of Police & others, 1999 (2) SCC 10 that if a decision is arrived at no evidence or evidence which is thoroughly unreliable and no reasonable person would act upon it, the order would be perverse. The Apex court has also observed in Gaya din & others Vs. Hanuman prasad & others, AIR 2001 SC 386 that such an order is perverse in the sense because it is not supported by the evidence brought on record or it is against the law or it suffers from the vice of procedural irregularity.

27. In this particular case, the presiding officer has traveled beyond the record available before him. He has at his own motion made out the case of the plaintiffs out of scratch and tried to create such an evidence at his own initiative which really does not exist and is contrary to the revenue record. The perusal of the file of the trial court gives the impression that the presiding officer had an open bias to favour the plaintiffs and he circumvented the basic court procedures to give undue benefit to the plaintiffs. His conduct has been unbecoming of a judge. He has shown unusual disregard to the existing land records and utter partiality in disposing the case in favour of the plaintiffs. The trial court has granted them gair khatedari of 193-06 bighas of government land on which their uninterrupted possession since svt. 2012 was not proved by any revenue record. It seems that the trial court has been in complicity with the plaintiffs in usurping the land in question as the defendant state mentioned in its reply.

28. As discussed above, It is quite justifiable to act under the reference jurisdiction vested in this court under section 232 of the Act. By all angles. the judgment and decree passed by the trial court is perverse and illegal. Therefore, this court accepts the reference petition filed by the state of Rajasthan and quashes the judgment and decree dated 19-05-86 passed by Assistant commissioner, Colonization, Kolayat. The Tehsildar is directed to enter the land in question as Government land in revenue records and to manage it.

29. This court is also aware that the judgment of this court may be seen as a harsh decision by the non petitioners because this impugned decree was passed in 1986 and this order comes after about 25 years. In these circumstances, the non petitioners may request the Commissioner, Colonization / state government for allotment of agricultural land for their livelihood under the relevant rules. The competent authority may consider their request sympathetically.

Pronounced in the open court.

30.8.11

(Bajrang Lal Sharma)
Member