

20

**clarification**

**GOVERNMENT OF RAJASTHANN  
Revenue (Gr-6) Department**

No.F.8(20)Rev-6/04 /2

Dated: March 02, 2009

To,

All Collectors & Divisional Commissioner

**SUBJECT:** Order dated 02/09/2004 passed by the Hon'ble Division Bench of the High Court of Judicature for Rajasthan Jodhpur in D.B. Civil Writ Petition No. 1536/2003 titled Abdul Rehman Vs. State of Rajasthan & Others - Whether lands can be allotted under the provisions of the Rajasthan Land Revenue (Allotment of Tank-Bed Lands for Cultivation) Rules, 1961

Dear Madam / Sir,


Some Collectors have sought a clarification as to whether land can be allotted under the provisions of the Rajasthan Land Revenue (Allotment of Tank-Bed Lands for Cultivation) Rules, 1961 in view of the judgement and order dated 02/09/2004 passed by the Hon'ble Division Bench of the High Court of Judicature for Rajasthan Jodhpur in the D.B. Civil Writ Petition No. 1536/2003 titled Abdul Rehman Vs. State of Rajasthan & Others.

The matter has been examined in consultation with the Advocate General. It is hereby clarified that the Hon'ble Court has not restrained the State Government from allotting land for temporary cultivation under the provisions of the Rajasthan Land Revenue (Allotment of Tank-Bed Lands for Cultivation) Rules, 1961 and the allotment of land under these Rules is not against the direction/order of the Hon'ble High Court rendered in the judgement dated 02/09/2004.

However, by way of caution, the concerned Patwaries / ILRs / Tehsildar should be directed to ensure that no pucca construction / impediment should be created by the allottee which might create hindrance in the free flow of the water.

You may accordingly issue instructions to all concerned.

Yours faithfully,

  
02/03/2009.

(Ashok Sampatram)  
Principal Secy. to Government.