HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No.14470/2019

1. Babulal Son Of Shri Ramchand,
2. Sushila W/o Babulal,
   Both R/o Kusalpura Jatan Tehsil And District Sawaimadhopur

----Petitioners

Versus

1. Chairman, Urban Improvement Trust Sawaimadhopur
2. Secretary, Urban Improvement Trust Sawaimadhopur
3. Tehsildar, Sawaimadhopur

----Respondents

For Petitioner(s) : Mr.Devendra Kumar Bhardwaj, Adv.

HON'BLE MR. JUSTICE AVNEESH JHINGAN

Order

RESERVED ON :: :: :: 28.11.2024
PRONOUNCED ON :: :: :: 03.12.2024

1. This petition is filed seeking quashing of orders dated 25.05.2017 and 22.05.2018 passed by the Sub Divisional Officer, Sawai Madhopur (hereafter 'SDO') and the Board of Revenue, Ajmer (hereafter 'the Board') respectively.

2. The brief facts are that on 27.06.1976 the land detailed in the petition situated in Village Kutalpura Jatan District Sawai Madhopur was allotted to Ramnarayan brother of the petitioner No.1. The revenue entries for Samvat 2034 to 2037 were recorded in the name of Ramnarayan. The District Collector vide order dated 07.07.1980 cancelled the allotment on the ground that the land fell within the Nagar Palika area and the allotment was against the Rules. The first and second appeals challenging the

cancellation were dismissed vide orders dated 20.06.1983 and 18.11.1988 respectively. The land in question was recorded as *Sawaichak* on 31.03.1989 and was allotted to the Urban Improvement Trust (hereafter 'UIT') on 10.10.2014. Aggrieved of allotment of land to UIT the petitioners filed an application under Section 136 of the Rajasthan Land Revenue Act, 1956 (hereinafter 'the Act of 1956'). The application was dismissed by the SDO on 25.05.2017. The Divisional Commissioner vide order dated 29.12.2017 accepted appeal and set-aside the order of the SDO. It was held that in absence of cancellation of the allotment of land in favour of Ramnarayan, the land could not have been entered in the revenue record as *Sawaichak*. The Board accepted the second appeal on 22.05.2018. It was observed that Section 136 of the Act of 1956 is for correction of errors and the first appellate authority erred in granting khatedari rights on an application filed by the petitioners under Section 136 of the Act of 1956. Further that cancellation of allotment of land in favour of Ramnarayan attained finality and the land was correctly recorded as *Sawaichak*. The review filed by the petitioners was dismissed by the Board on 07.09.2018, hence the present writ petition.

3. Learned counsel for the petitioner argued that the land was allotted to Ramnarayan, during his lifetime the possession was handed to the petitioners and they are in cultivating possession since then. Contention is that there was no material on record that the land was located within municipal limits and could not have been allotted for agricultural purposes.

4. On attaining finality of the proceeding cancelling the allotment of land to Ramnarayan, the petitioners cannot claim to

be khatedar of the land being successor of Ramnarayan. The petitioners stepped into the shoes of Ramnarayan and cannot be in better position than that of the allottees.

5. The contention that there is nothing on record to prove that the land in question fell within the municipal limits, cannot be gone into at this belated stage. The cancellation of allotment in favour of Ramnarayan was on the ground that the land was wrongly allotted inspite of being in the municipal limits. The allottee failed in both the appeals while challenging the cancellation. The proceedings attained finality and cannot be reopened in proceedings under Section 136 of the Act of 1956.

6. The Board rightly held that scope of interference under Section 136 is limited.

7. Section 136 of the Act of 1956 is reproduced:-

> "136. [Correction of errors – The land Records Officer may, at any time, correct or cause to be corrected in the prescribed manner any clerical errors and any errors which the parties interested admit to have been made in the record of rights or register, or which a Revenue Officer may notice during the course of his inspection in any Register: Provided that when any error is noticed by a Revenue Officer in any record of rights during the course of his inspection, no error shall be corrected unless a notice to show cause has been given to the parties.]"

8. Section 136 bestows power on the Revenue Officer to correct a clerical error or the errors which the party interested admit to have been committed in the record of rights or register or revealed to Revenue Officer during inspection of record. The application filed by petitioner under Section 136 of the Act of 1956

for grant of khatedari rights, and was rightly rejected as not maintainable.

9. No interference is called for in the well reasoned impugned order passed by the Board. The writ petition is dismissed.

(AVNEESH JHINGAN), J

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Reportable:- Yes