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## CASE ANALYSIS: STATE OF RAJASTHAN VS PADMAVATI DEVI (SMT) (DEAD) BY LRS. AND ORS.

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**Equivalent citations: JT1995 (5) SC481, 1995 (2) SCALE 619, 1995 SUPP (2) SCC 290, 1995 (2) UJ69 (SC), AIR ONLINE 1995 SC 758**

### INTRODUCTION

This is an appeal by the State of Rajasthan regarding proceedings initiated by the Tehsildar, Tehsil Jaipur, under Section 91 of the Rajasthan Land Revenue Act, 1956. The dispute concerns land in Jaipur city, measuring 15 bighas in Village Bhojpura, Khasra Nos. 477 and 488. The land, which now has houses and shops, was under the control of respondent No. 1, Smt. Padmavati Devi, who collected rent. The case is based on whether the land is "*Sawai Chak*" or owned by Smt. Padmavati Devi and whether she has the right to collect rent. The lower courts and the Board of Revenue ordered her eviction, but the High Court set aside the order. The Supreme Court held that Section 91 of the Act is not the proper procedure to determine complex questions of title. The Court also noted the pendency of the case for 25 years and refrained from expressing views on factual questions. The Court set aside previous orders and directed the parties to pursue appropriate legal remedies in a regular court.

### FACTS

1. The State of Rajasthan began legal proceedings under Section 91 of the Rajasthan Land Revenue Act, 1956, concerning Jaipur City's land.
2. Respondent No. 1, Smt. Padmavati Devi, staked ownership claim through a lease (patta) dating back to 1909.
3. Controversy arose over the land's "Sawai Chak" classification and the Tenancy Rules' applicability.
4. Various authorities, in contradictory stances, issued conflicting orders, instigating a legal tussle.

## **BASIC PRINCIPLE**

Section 91 of the Rajasthan Land Revenue Act of 1956 stipulates that those who are unlawfully occupying government property can be quickly removed. Nevertheless, if the occupant presents a credible dispute regarding their right to the land, this procedure cannot be employed. Thus, while Section 91 provides for expeditious evictions, it cannot be utilized in the face of a valid land ownership claim.

## **ISSUES**

1. Whether respondent No. 1 has a valid claim to ownership or tenancy rights.
2. Whether the land falls under "Sawai Chak" as per the revenue records.

## **LINE OF ARGUMENTS**

1. The appellant argued that respondent No. 1 was in unauthorized occupation and that the land was acquired by the State.
2. Respondent No. 1 claimed ownership based on the patta, asserting her husband's tenancy and subsequent rights as an heir.

## **RATIO DECIDENDI**

The court determined that Section 91 of the Rajasthan Land Revenue Act, 1956, was not suited for handling intricate title disputes that arise when a property's occupant has genuine claims. It stressed that such disputes are best addressed through regular court proceedings that allow for a comprehensive examination of facts and legal arguments, instead of resorting to summary eviction.

## **DECISION**

The court, in its ruling, annulled previous decisions and instructed the parties involved to seek redressal through suitable legal channels for resolving the ownership conflict. It reaffirmed the High Court's decision to nullify the Board of Revenue's directive while rejecting the Revenue Appellate Authority's ruling on subsequent actions.

## COURTS' EVALUATIONS OF THE CASE

- **Tehsildar:** Initially, the Tehsildar ordered the eviction, citing the land classification and records, and rejected Respondent No. 1's claims.
- **Collector:** The Collector upheld the Tehsildar's decision, supporting the eviction and rejecting the claims put forth by Respondent No. 1.
- **Revenue Appellate Authority:** Contrary to the Tehsildar's and the Collector's decisions, the Revenue Appellate Authority set aside the Tehsildar's eviction order.
- **Board of Revenue:** The Board of Revenue, while considering the dispute, ordered the eviction based on the summarized proceedings.
- **High Court:** In a significant turn of events, the High Court quashed the Board of Revenue's eviction order and allowed Respondent No. 1's writ petition, favoring the respondent's arguments and rights.
- **Supreme Court:** Finally, the Supreme Court, after thoroughly examining the case's complexity, decided to set aside all previous court orders and direct the parties involved to follow the standard legal proceedings to resolve the matter adequately.

## CRITICAL EVALUATION

The case involving the *State of Rajasthan vs Smt. Padmavati Devi*<sup>1</sup> demonstrates the complexities that often arise in land disputes, particularly in cases where legal and factual issues intersect. The application of Section 91 of the Rajasthan Land Revenue Act, 1956, which allows for summary eviction of unauthorized occupants, is central to this matter.

On one side, the respondent claims ownership and tenancy rights over the land, backed by a lease executed in 1909. This claim is further supported by various legal provisions, including Tenancy Rules and Acts, and historical documents such as the "*Misal Haqiyat*."

On the other hand, the State of Rajasthan, acting through various authorities, issued eviction

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<sup>1</sup> 1995 SUPP (2) SCC 290

orders based on the land's classification as "*Sawai Chak*" and claimed that the land was acquired by the state. These orders have been challenged by the respondent, leading to a chain of conflicting decisions by the Tehsildar, Collector, Revenue Appellate Authority, and Board of Revenue.

The intervention of the High Court, while quashing some of these orders, only added to the legal quagmire. The Supreme Court, upon review, set aside all previous orders, emphasizing the inappropriateness of summary eviction proceedings for complex title disputes and directing the parties to pursue regular legal proceedings.

The current statute lacks comprehensive step-by-step directives for resolving cases of this nature. Both the executive and the legislature must address this deficiency in the statute by providing clearer and more cohesive instructions on the procedures for transferring land tenancy. This would help prevent revenue officers from acting beyond their authority, as has been the historical practice since the British occupation, and ensure more effective governance of land revenue matters.

This case highlights the importance of due process and the need for efficient dispute resolution mechanisms in land disputes. However, it also underscores the challenges faced in resolving such disputes, especially when multiple authorities are involved and when complex legal and factual issues are at play.

*Ultimately*, the judgment promotes fairness and justice by ensuring that complex land disputes are resolved through the proper legal channels. It serves as a reminder that land dispute resolution requires a thorough examination of evidence and legal arguments to achieve a just outcome.

Hindi Words Frequently Used	Meanings/ Definitions
<p style="text-align: center;"><b>Sawai Chak</b></p> <p style="text-align: center;">(सवाई चक)</p>	<ul style="list-style-type: none"> <li>→ unoccupied culturable Government land</li> <li>→ for allotment for agricultural or any non-agricultural purposes.</li> </ul>

<b>Misal Haqiyat</b> (मिसल हकियत)	→ Record-of-Right. <sup>2</sup>
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## REFERENCES

1. [https://upload.indiacode.nic.in/showfile?actid=AC\\_RJ\\_83\\_1139\\_00017\\_00017\\_1610430589879&type=rule&filename=government\\_tenancy\\_rules.pdf](https://upload.indiacode.nic.in/showfile?actid=AC_RJ_83_1139_00017_00017_1610430589879&type=rule&filename=government_tenancy_rules.pdf)
2. <https://indiankanoon.org/doc/1817959/>

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<sup>2</sup> <https://assetyogi.com/guides/land-records/land-records-terminology-in-india/>