



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil First Appeal No. 363/2021

1. The State Of Rajasthan Through Secretary, Finance Dept., Govt. Of Rajasthan Jaipur, Secretary, Finance Department, Government Of Rajasthan, Jaipur
2. Inspector General, Registration And Stamps Department, Government Of Rajasthan, Jaipur
3. Sub-Registrar, Registration And Stamps Department, Sanchore

-----Appellants

Versus

1. Smt. Nainidevi W/o Ramuram, Khetasar, Tehsil Osiyan, District Jodhpur
2. Shankra S/o Kura, Bhatki, Tehsil Sanchore, District Jalore

-----Respondents

For Appellant(s) : Mr. Sandeep Shah, AAG (through VC)
assisted by Mr. Abhimanyu Singh Rathore

For Respondent(s) :

HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

30/09/2022

This first appeal has been preferred by state of Rajasthan against the judgment and decree dated 02.02.2016, whereby the civil suit filed for cancellation of sale deed in question has been dismissed.

Learned Addl. Adv. General appearing for the appellants- State submits that the land under the sale deed is situated nearby the border area. The sale deed in question has been executed in contravention of the notification dated 12.03.1996 notified by the Central Government under Section 3(1) of the Criminal Procedure



(Amendment) Act, 1961. The sale of land of that area is not permissible to any non-resident of that area, without permission of the State Government. The sale deed in question is illegal and contrary to the law.

In other identical first appeals also, this Court has issued notices on the application under Section 5 of the Limitation Act as also of the appeal and passed the interim orders.

In view of the above, issue notice of the application under Section 5 of the Limitation Act. Issue notice of first appeal as well as stay application to the respondents. Rule is made returnable within six weeks.

Record of the trial court be called for.

In the meanwhile and till further orders, status quo, as it exists today, shall be maintained by both the parties in relation to the suit property under the sale deed in question.

List along with S.B. Civil First Appeal Nos. 278/2021 & 160/2021 and other connected appeals.

Learned counsel for the appellants is also directed to remove the defects.

(MADAN GOPAL VYAS),J

36-Hanuman/-