

ITEM NO.4

Court 4 (Video Conferencing)

SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No.4772/2020

(Arising out of impugned final judgment and order dated 25-09-2019 in SBCFA No.77/1986 passed by the High Court of Judicature for Rajasthan at Jodhpur)

CHANDRAKALA (DEAD) THR LRS

Petitioner(s)

VERSUS

SHANKAR LAL (DEAD) THR LRS & ORS.

Respondent(s)

Date : 27-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD
HON'BLE MR. JUSTICE M.R. SHAH

For Petitioner(s) Mr. Joydeep Mazumdar, Adv.
Mr. Rohit Dutta, Adv.
Mr. Sushanta Bhadury, Adv.
Ms. Shalini Kaul, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

- 1 Mr Joydeep Mazumdar, learned counsel appearing on behalf of the petitioner states that the main submission which is sought to be urged is that in view of the provisions of Section 5(2)(b) of the Rajasthan Pre-emption Act 1966, no

right of pre-emption can be acquired in respect of a property which a person cannot purchase, Since the land in question was a lease hold property (patta) no right of pre-emption can, it has been submitted, arise in view of the above statutory provision. Reliance is sought to be placed on the decision of the Constitution Bench in ***Bhagwati Prasad Sah and Others vs Bhagwati Prasad Sah and Another*** (1964) 5 SCR 105 and ***Mohd. Noor and Others vs Mohd. Ibrahim and Others*** (1994) 5 SCC 562.

- 2 Learned counsel states that he may be permitted to withdraw the Special Leave Petition so as to enable the petitioner to file a review before the High Court on the above premises.
- 3 The Special Leave Petition is accordingly dismissed as withdrawn with liberty reserved to the petitioner to raise all appropriate challenges if he is thereafter aggrieved by the decision, including on the grounds raised in the Special Leave Petition.

(CHETAN KUMAR)
A.R. - cum - P.S.

(SAROJ KUMARI GAUR)
COURT MASTER