

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

S.B. Civil Writ Petition No. 545/2025

Hajari Ram S/o Jeetu, Aged About 60 Years, Resident Of
Rupakhedi, Tehsil Kapasan, District Chittorgarh.

-----Petitioner

Versus

1. Union Of India, Through The Deputy Narcotics
Commissioner, Central Bureau Of Narcotics, Jhalawar
Road, Mahaveer Nagar-I, Kota.
2. The District Opium Officer, Central Bureau Of Narcotics,
Chittorgarh-Ii Division-Chittorgarh.
3. Bheruljaat S/o Jeetujjaat, Residence Of Roopakheda
Thesilkapasan District Chittorgarh.

-----Respondents

For Petitioner(s) : Mr. Shyam Sunder Paliwal
Mr. Deepak Saraswat

For Respondent(s) : -

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

24/02/2026

The instant writ petition under Article 226 of the Constitution
of India, the petitioner has prayed for the following reliefs:-

*"It is, therefore, most humbly and respectfully prayed that
this writ petition may kindly be allowed and accepted and:-*

*i. By an appropriate writ, order or direction, the entire
procedure related to transfer of license in name of
respondent No. 3 may kindly be quashed and set-aside.*

*ii. By an appropriate writ, order or directions to
respondents to consider petitioner's application for
becoming co-applicant in opium cultivating license.*

*iii. By an appropriate writ, order or direction, the license
dated 29.11.2024 (Annexure-4), issued by the respondent
may kindly be declared illegal, quashed and set-aside.*

*iv. By an appropriate writ, order or direction, the
respondent authorities may kindly be directed to issue
license for cultivation of opium post in the name of*

petitioner, which was earlier in the name of petitioner's mother late Smt. Daali Bai w/o Jitu Jat.

v. Any other order or direction, which this Hon'ble Court deem just fit and proper be passed in favor of the petitioner.

vi. Costs of this writ petition may kindly be allowed to the petitioner."

2. Having heard the learned counsel for the petitioner and having perused the material available on record, this Court finds that the license to cultivate opium was issued by the respondent department in favour of the petitioner's mother, Dali Bai. In the application form submitted by her, she nominated respondent No. 3, i.e., the elder brother of the petitioner, as Nominee No. 1, whereas the petitioner was nominated as Nominee No. 2. After the death of the petitioner's mother on 25.05.2024, the respondent department issued the license to cultivate opium in favour of respondent No. 3, i.e., the elder brother of the petitioner.

3. Learned counsel for the petitioner submitted that though it is true that respondent No. 3 is the elder brother of the petitioner and was nominated as Nominee No. 1 in the application form by their mother, that by itself does not entitle him to the issuance of the license after the death of their mother, i.e., the license holder. According to the learned counsel for the petitioner, the petitioner has an equal share in the agricultural land of their mother and, therefore, the license should also be issued in his favour.

4. After hearing the learned counsel for the petitioner and considering the nature of the controversy involved in the present case, this Court deems it just and proper to dispose of the present writ petition with a direction to the petitioner to file a fresh representation ventilating his grievances before respondent No. 2, i.e., the District Opium Officer, Central Bureau of Narcotics,

Chittorgarh-II Division, Chittorgarh, within a period of fifteen days from today along with a certified copy of this order.

5. In case such a representation is made, the same shall be considered and decided by respondent No. 2, i.e., the District Opium Officer, Central Bureau of Narcotics, Chittorgarh-II Division, Chittorgarh, keeping in view the notification dated 28.09.2022 issued by the Ministry of Finance, being Notification No. 02/2022-Narcotics Control-I, by way of a speaking and reasoned order, within a period of three weeks thereafter.

6. It is made clear that if an order adverse to the interest of the petitioner is passed by the District Opium Officer, Central Bureau of Narcotics, Chittorgarh-II Division, Chittorgarh, the petitioner shall be at liberty to approach the appropriate legal forum for redressal of his grievances.

7. With the aforesaid directions, the present writ petition as well as the stay application stand disposed of.

(KULDEEP MATHUR),J