

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

S.B. Civil Writ Petition No. 586/2026

Har Phool Singh S/o Late Shri Gula Ram, Aged About 72 Years,
R/o 4-D 124, Jai Narayan Vyas Colony, Bikaner.

-----Petitioner

Versus

1. State Of Rajasthan, To Be Served Through The Secretary
To The Government, Local Self Department, Rajasthan,
Jaipur.
2. Commissioner Municipal Corporation, Bikaner.
3. Deputy Commissioner, Municipal Corporation, Bikaner.
4. Collector, Bikaner.

-----Respondents

For Petitioner(s)	:	Mr. Rajeev Purohit Mr. Shashank R. Joshi
For Respondent(s)	:	Mr. Ajay Kumar Vyas Mr. Jatin Sankhla

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/03/2026

1. By way of filing the present writ petition, 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 by issuing
an appropriate writ, order or direction:*

*1] The impugned order dated 16.12.2025 (Annexure-12)
passed by the Deputy Commissioner Municipal Corporation
Bikaner may kindly be quashed and set aside;*

*2] Any other writ, order or direction which your Lordship
may deem just and proper in the facts and circumstances of
the case, may also kindly be issued in favour of the
petitioner. ..."*

2. Having heard learned counsel for the parties and upon
perusal of the material available on record, this Court finds that
the application filed by the petitioner seeking permission to raise

commercial construction on the subject plot (Plot No. F-3, Kanta Khaturiya Colony) was rejected on the ground that the patta issued in respect of the said plot in favour of Smt. Saraswati Devi, from whom the petitioner has purchased the property, had already been cancelled.

3. This Court, having regard to the nature of the controversy involved, directed Shri Ajay Kumar Vyas, learned counsel who usually represents the Bikaner Municipal Corporation before this Court, to obtain instructions. Today, when the matter was taken up, learned counsel, under instructions, submitted that as per the record transferred to the Municipal Corporation, the patta issued in favour of Smt. Saraswati Devi in respect of the subject land had already been cancelled. However, neither a copy of the order cancelling the patta nor any document in that regard is available on record.

4. In the opinion of this Court, in the absence of any such document on record, merely on the basis of certain assertions in the charge handing-over/taking-over records of clerks, as indicated in Annexure-08, it cannot be presumed or established that a validly issued patta has in fact been cancelled.

5. In that view of the matter, the action of the respondents in denying permission for raising construction over the subject plot deserves to be declared illegal and arbitrary. Consequently, the impugned office order dated 16.12.2025 issued by the Deputy Commissioner, Municipal Corporation, Bikaner (Annexure-12) is quashed and set aside. The respondents are directed to forthwith process the application submitted by the petitioner seeking permission to raise construction over the subject land.

6. It is made clear that, in case during the processing of the application any specific document/order cancelling the patta issued in favour of Smt. Saraswati Devi qua the subject land comes to the notice of the respondents, they shall furnish a copy thereof to the petitioner and seek his explanation.

7. The stay application stands disposed of.

(KULDEEP MATHUR),J

3-divya/-