

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

S.B. Civil Writ Petition No. 1999/2022

1. Kishan Lal S/o Shri Heera Lal, Aged About 67 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
2. Keaju Kanwar D/o Late Shri Narayan Singh, Aged About 70 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
3. Smt. Kanchan Kanwar W/o Late Shri Shyam Sunder, Aged About 45 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
4. Panchu Singh S/o Shri Peer Dan Singh, Aged About 67 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
5. Smt. Vidhya W/o Gopilal, Aged About 54 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
6. Bhera Ram S/o Shri Mangla Ram, Aged About 45 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
7. Chatura Ram S/o Shri Babu Ram, Aged About 44 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
8. Ranaram S/o Ishararam, Aged About 40 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
9. Gumana Ram S/o Shri Khiya Ram, Aged About 65 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
10. Gopilal S/o Shri Saag Ram, Aged About 62 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
11. Mangi Lal S/o Shri Aachala Ram, Aged About 55 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
12. Nathu Ram S/o Shri Kakhu Ram, Aged About 47 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
13. Amba Ram S/o Shri Utmaram, Aged About 52 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).

14. Kana Ram S/o Shri Amba Ram, Aged About 36 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
15. Manak Lal S/o Shri Devi Ram, Aged About 41 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
16. Chain Singh S/o Shri Megh Singh, Aged About 54 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
17. Bagta Ram S/o Shri Gorakh Ram, Aged About 46 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
18. Nathuram S/o Shri Hukma Ram, Aged About 47 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
19. Bhanwar Singh S/o Shri Nakhat Singh, Aged About 69 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
20. Hathi Singh S/o Kalyan Singh, Aged About 78 Years, By Caste Rajput, R/o Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
21. Bhera Ram S/o Shri Moola Ram, Aged About 64 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).
22. Om Prakash S/o Balwanta Ram, Aged About 48 Years, Village Ramdeora, Tehsil Pokaran, District Jaisalmer (Raj.).

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Panchayat Raj Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Zila Parishad, Jaisalmer Through Its Chief Executive Officer.
3. The Panchayat Samiti, Sankara, Tehsil Pokaran, District Jaisalmer (Raj.) Through Its Vikas Adhikari.
4. The Gram Panchayat, Ramdeora, Tehsil Pokaran, District Jaisalmer Through Its Secretary.

-----Respondents

For Petitioner(s) : Mr. Kuldeep Mathur, Sr. Advocate
assisted by Mr. Bhavit Sharma and
Mr. Rahul Vyas

JUSTICE DINESH MEHTA

Order

21/02/2022

1. Challenging the resolution dated 26.09.2019, Mr. Mathur, learned Senior Counsel submits that the respondent – Gram Panchayat has arbitrarily increased the monthly rent payable by the shopkeepers.
2. He argues that in terms of Rule 164 of the Rajasthan Panchayati Raj Rules, 1996, the rent cannot be increased more than 20% that too with mutual consent.
3. Issue notice. Issue notice of stay application also, returnable on 21.03.2022.
4. Notices be filed in two sets, out of which one set be given 'dasti' to learned counsel for the petitioners for effecting service through registered post, acknowledgment due.
5. Meanwhile, the petitioners may start paying the increased rent (20% more than the last rent which they were paying from 01.03.2022).
6. The petitioner shall further be required to pay the arrears of increased rent (from 01.10.2019 to 28.02.2022) within a period of three months from today.
7. In case the above conditions are fulfilled,, no coercive action shall be adopted against such petitioner(s), pursuant to resolution dated 26.09.2019.

(DINESH MEHTA),J