

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

D.B. Spl. Appl. Writ No. 308 / 2017

Fateh Kanwar

----Appellant

Versus

State & Ors.

----Respondents

For Appellant(s) : Mr. Moti Singh.

HON'BLE THE CHIEF JUSTICE

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI

Order

09/05/2017

1. Learned counsel for the appellant questions the assumptive finding of fact recorded in paragraph 8 of the impugned order wherein it has been held by the learned Single Judge that the appellant had nowhere stated that he was in occupation of an old house constructed over the land in question and desired to reconstruct the same. Learned counsel urges that in that view of the matter Rule 157 of the Rajasthan Panchayati Raj Rules, 1996 would be attracted.

2. Issue notice to the respondents returnable after eight weeks.

3. Till the present order is vacated or modified the operation of the impugned order shall remain stayed and *status quo* will be maintained at the site.

(DR.PUSHPENDRA SINGH BHATI)J. (PRADEEP NANDRAJOG)CJ.