

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

S.B. Civil Writ Petition No. 3093/2026

1. Phulo Devi W/o Late Shri Ghewar Ram, Aged About 68 Years, R/o Bamaniya Ki Dhani, Dalpat Nagar, Post Khirja Khas, Tehsil Shergarh, District Jodhpur, Rajasthan.
2. Oma Ram S/o Late Shri Ghewar Ram, Aged About 48 Years, R/o Bamaniya Ki Dhani, Dalpat Nagar, Post Khirja Khas, Tehsil Shergarh, District Jodhpur, Rajasthan.
3. Chaina Ram S/o Late Shri Ghewar Ram, Aged About 41 Years, R/o Dalpat Nagar, Post Khirja Khas, Tehsil Shergarh, District Jodhpur, Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Principal Secretary To Government, Colonization And Sainik Kalayan Department, Jaipur, Rajasthan.
2. The Allotment Officer And Additional Commissioner, Colonization Department, Bikaner, Rajasthan.
3. The Additional Commissioner, Colonization Department, Jaisalmer, Rajasthan
4. The Tehsildar, Colonization Tehsil Mohangarh-2, District-Jaisalmer, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Binja Ram

For Respondent(s) : --

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

13/02/2026

1. By way of filing the present writ petition, the petitioner has prayed for the following reliefs:-

"It is, therefore, most respectfully prayed that:-

- a. The writ petition may kindly be allowed;*
- b. the respondent no.2 may kindly be directed to allot the other alternative land which is suitable for irrigation and cultivation in the exchange of earlier allotted land in the favour of the petitioners being spouse/legal heirs of the ex-serviceman of India Army (Late Shri Ghewar Ram) and to hand over the possession;*
- c. The respondent no.2 may also be directed to consider the ex-change proposal dated 26.06.2025 (Ann-5) which has been made by Colonization Tehsildar Mohangarh No.2, as*

early as possible as per law and allot the land at the rates prevailing at the time of when first allotment was made to the husband/father of the petitioners in favour of petitioners being spouse/legal heirs of the ex-serviceman of India Army (Late Shri Ghewar Ram) and hand over the possession;

d. In alternate without prejudice to the above, the respondents be directed to allot any other piece of land in favor of the petitioner at the rates prevailing at the time of when first allotment was made to the husband of the petitioner.

e. Also in mare alternate without prejudice to the above, if in case, the fresh allotment or in exchange of land earlier allotted, the other land could not be given to petitioner, then possession be also ordered to given to the petitioner and respondent no. 5 and 6 being spouse/legal heirs of the ex-serviceman of India Army (Late Shri Ghewar Ram) of the land earlier allotted to the father of the petitioner by allotment order dated 4.2.1986(Ann-1).

f. Any other appropriate order or direction which this Hon'ble Court considers just and proper and fact and circumstance of the case may kindly be passed in favour of the petitioner.

g. Cost of writ petition may kindly be awarded to the petitioner."

2. Learned counsel for the petitioners submitted that the father of the petitioners, Late Shri Ghewar Ram, was allotted land by the Colonization Department under the ex-serviceman category. After his demise, the land was entered in the names of the petitioners in the revenue records. However, since the land is situated close to the international border and is subject to regular Army activities, physical possession thereof could not be handed over to the petitioners.

3. Learned counsel further submitted that in these circumstances, the Colonization Tehsildar, Mohangarh No. 2, vide communication dated 26.06.2025 addressed to the Additional Commissioner, Colonization Department, Bikaner, requested for exchange of the land and accordingly forwarded an exchange proposal. The grievance of the petitioners is that despite the said communication dated 26.06.2025 having been sent to the office of the Additional Commissioner, Colonization, Bikaner, no action has

been taken thereupon. Consequently, the petitioners have been deprived of cultivating the land originally allotted in the year 1986.

4. After hearing learned counsel for the petitioners and upon perusal of the documents placed on record, this Court deems it just and proper to dispose of the present writ petition with a direction to the Additional Commissioner, Colonization Department, Bikaner, to consider and pass appropriate orders on the communication dated 26.06.2025 received from the office of the Colonization Tehsildar, Mohangarh No. 2, within a period of four weeks from the date of production of a certified copy of this order.

5. It is made clear that in case, after considering the matter, an order adverse to the interest of the petitioners is passed by the Additional Commissioner, Colonization Department, Bikaner, the petitioners shall be at liberty to challenge the said order before the appropriate legal forum in accordance with law.

6. It is further clarified that the aforesaid direction has been issued only with a view to ensure expeditious redressal of the petitioners' grievances and shall not be construed as an expression on the merits of the exchange proposal dated 26.06.2025.

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

(KULDEEP MATHUR),J