

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

S.B. Civil Writ Petition No. 3792/2026

Mahesh Dan S/o Viradh Dan, Aged About 37 Years, R/o 114,
Sata, Santa, District Barmer, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Collector, Barmer.
2. Sub Divisional Officer, Sedwa, District Barmer.
3. Gram Panchayat Sata, Through Sarpanch, District Barmer.
4. Ranchodaram S/o Jetharam, R/o Village Ambava, Tehsil Sedva, Barmer.
5. Kesaram S/o Kaluram, R/o Mithadi, Tehsil Sedva, Barmer.
6. Ajaram S/o Savaram, R/o Village Gangasariya, Tehsil Sedva, Barmer.

-----Respondents

For Petitioner(s)	:	Mr. Muktesh Maheshwari Mr. Gaurav Ranka
For Respondent(s)	:	--

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

23/02/2026

By way of filing the present writ petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:

"It is therefore, humbly prayed on behalf of petitioners that this writ petition may kindly be allowed and.

a. Issue an appropriate writ, order or direction, directing the respondent authorities to remove / demolish the illegal permanent constructions raised by the private respondents and ensure that the road boundary is restored to its original width as per the statutory norms;

b. Issue an appropriate writ, order or direction restraining the private respondents from raising any further construction over the land falling within the road boundary;

c. In the alternative the respondent authority may kindly be directed to act upon the notice dated 10.06.2024 (Annex-02) in

time bound manner and remove the illegal construction over the land in question.

d. Pass any other writ, order or direction which this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice."

2. Learned counsel for the petitioner submitted that in the present case, few individuals have started raising construction at Khasra Nos.347/167, 495/167 and 496/167 Bharat Mala Road illegally without seeking any permission for that purpose from the Gram Panchayat, Sata Panchayat Samiti, Phagaliya, Barmer. Learned counsel further submitted that the Gram Panchayat, Sata Panchayat Samiti, Phagaliya, Barmer in these circumstances issued notices to the encroachers/private persons directing them to remove the illegal construction/encroachment failing which, action would be initiated against them under Rule 165 of Rajasthan Panchayati Raj Act, 1965. Learned counsel submitted that despite issuance of notice by the Gram Panchayat, Sata Panchayat Samiti, Phagaliya, Barmer, the illegal construction over the land in question has continued and shops have been constructed by the private individuals.

This Court having heard learned counsel for the petitioner and having perused the material available on record, deems it just and proper to dispose of the present writ petition with a direction to the petitioner to file a detailed representation ventilating his grievances along with a certified copy of the instant order within a period of two weeks from today in the office of Sub Divisional Officer, Sewda, District Barmer. In case, a representation if so made, Sub Divisional Officer, Sewda, District Barmer shall consider and decide the same in accordance with law as expeditiously as

possible preferably within a period of eight weeks from receipt thereof.

It is made clear that the aforesaid direction to decide the representation has been issued only with a view to ensure the redressal of the petitioner's grievances and the same would not be construed to be an order to decide the representation in a particular manner.

Stay petition stands disposed of.

(KULDEEP MATHUR),J

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