

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

S.B. Civil Writ Petition No. 3445/2026
CRN: RJHC010154002026
URN: CW / 6345U / 2026

Smt. Kiran

----Petitioner

Versus

Municipal Corporation

----Respondent

Connected With

S.B. Civil Writ Petition No. 3443/2026 (URN: CW / 6341U / 2026)

For Petitioner(s)	:	Mr. Rishi Soni
For Respondent(s)	:	Mr. Sunil Purohit

HON'BLE MR. JUSTICE SAMEER JAIN
Order

06/07/2026

Learned counsel for petitioners submits that the petitioners were successful/highest bidders in the year 2011, and consecutively they have also deposited the consideration as required in accordance with the offered bid and advertisement. It is submitted that inspite of deposition of entire amount, the petitioners were neither given possession nor registry was executed, and appropriate steps were taken. It is lastly submitted that till date, respondents have not handed over the peaceful possession of the property.

Learned counsel for the respondents has submitted that during the interregnum, certain encroachers have occupied the property in question, for which a committee was constituted and recently on directions of the committee on 05.07.2026, a public notice has been issued in the newspaper. It is submitted that qua the encroachment on the land in question, appropriate inquiry was

made however, due to certain unauthorized construction of boundary walls and no persons being available, identification could not take place.

Learned counsel for the respondents upon query of the Court is not able to explain that what actions for removal of encroachment have been adopted. It has also left unanswered as that being custodian of the land belonging to Municipal Corporation, no auction proceedings have been initiated, till date.

Considering the aforementioned, learned counsel for the respondents is directed to supply the name of the erring officers, from the date of the start of bid - till date and the competent authority, who has issued a public notice instead of taking appropriate action for removal of encroachments.

Taking note of the lackadaisical approach adopted by the respondents where it *prima facie* appears from the facts that the officers from the Municipal Corporation have not carried out their duties efficaciously and have admitted the fact qua encroachment; that no action report is submitted, this Court directs Commissioner, Municipal Corporation, Jodhpur to appear via VC, on the next date of hearing, to elucidate the matter and tender justification, as to why the erring officers ought not to be impleaded by name and appropriate disciplinary proceeding be initiated against them.

Let the matter to be listed on 20.07.2026 at 02.00 p.m., in the supplementary cause list.

(SAMEER JAIN),J