

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

S.B. Civil Writ Petition No. 4817/2026

1. Parwati Ben M Rawal W/o Shri Madan Lal Rawal, Aged About 66 Years, Resident Of Rawalo Ka Vass, Peepalki, Post Rampura, Tehsil And District Sirohi.
2. Tara Kansara W/o Shri Dharmesh Kansara, Aged About 40 Years, Resident Of Vaidhnath Colony, Ward No. 4, Sirohi.
3. Roop Kanwar W/o Shri Bhanu Pratap Singh, Aged About 36 Years, Resident Of Balaji Nagar, Mandwara, Sirohi.
4. Kishor Kumar Chopra, Aged About 55 Years, Resident Of Navkar Colony, Kantipura, Balotara.
5. Kuldeep Singh S/o Shri Hari Singh, Aged About 46 Years, Resident Of Savala Ji Ki Gali, Palri, M., Sirohi.
6. Vinod Malviya S/o Shri Madan Lal Malviya, Aged About 34 Years, Resident Of 286, Bhandrar Nagar, Sirohi.
7. Purohit Harish Kikabhai S/o Kikabhai, Aged About 49 Years, Resident Of 7/32, Hyatt Regency, Usmanpura, Ahmedabad.

-----Petitioners

Versus

1. State Of Rajasthan, Through The Director Cum Special Secretary, Local Self Department, Jaipur.
2. The District Collector, Sirohi.
3. The Municipal Council, Sirohi, Through Its Commissioner.
4. Shri Rajguru Mahant Sita Ram Das S/o Shri Jairam Das, Resident Of Place Road, Sirohi.

-----Respondents

For Petitioner(s) : Mr. Divik Mathur

For Respondent(s) :

HON'BLE MR. JUSTICE SANJEET PUROHIT
Order

26/02/2026

1. Learned counsel for the petitioner submits that a notice under Section 73-B of the Rajasthan Municipality Act, 2009 ("Act of 2009") has been issued to the petitioner on 11.02.2026 and

was consequently served upon him on 12.02.2026. Challenging the said show cause notice, S.B. Civil Writ Petition No. 3951/2026 was filed wherein this Court vide order dated 18.02.2026, while disposing of the writ petition granted liberty to the petitioner to file response to the impugned notice within a period of 15 days while placing all necessary documents on record.

2. Learned counsel for the petitioner submits that, however, the respondent – Authorities without even waiting for expiry of seven days period as mentioned in the initial notice, on the same day when the order has been passed by this Court, proceeded to pass order dated 18.02.2026 and cancelled the patta already issued in favour of the petitioner.

3. Learned counsel for the petitioner submits that on perusal of the order impugned, it is clear that the petitioner's patta does not fall in any of the categories mentioned under Section 73-B Sub – Clause 2 of Act of 2009 and thus, no ground available with the respondent commissioner Municipal Counsel, Sirohi, to cancel the patta of the petitioner.

4. Learned counsel for the petitioner also relied upon the order dated 15.02.2023 passed by Division Bench of this Court in ***D.B. Civil Special Appeal No. 897/2023***, wherein it was observed that the power to cancel the patta under Section 73-B lies with the municipalities and the definition of Municipality is contained in Section 2 (XLII) of the Act whereas in the present case the patta has been cancelled by the Commissioner without any resolution of Municipality/ Board in that regard. Thus, the impugned order is also wholly without jurisdiction. Learned counsel for petitioner thus submits that inspite of having alternate remedy, the extra-

ordinary jurisdiction of this Court is invoked as order is without jurisdiction and same is passed in violation of principles of natural justice.

5. Matter requires consideration.

6. While keeping all issues open, issue notice. Issue notice of the stay application, returnable within a period of eight weeks.

7. In the meantime, the effect, operation and execution of the order impugned dated 18.02.2026 shall remain stayed.

(SANJEET PUROHIT),J

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