

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

S.B. Civil Writ Petition No. 5967/2025

1. Uday Singh S/o Mangal Singh, Aged About 71 Years, R/o Village Simrakhiya Purohitan, Tehsil Patodi, District Balotra (Raj.). (Adhar Card No. 6682-9504-3371).
2. Bhanwar Singh S/o Shri Poonam Singh, Aged About 70 Years, R/o Village Simrakhiya Purohitan, Tehsil Patodi, District Balotra (Raj.). (Adhar Card No. 2972-6457-4037).

----Petitioners

Versus

1. State Of Rajasthan, Secretary, Department Of Revenue, Government Of Rajasthan, Jaipur.
2. District Collector, Balotra.
3. Sub Division Officer, Balotra, District Balotra.
4. Tehsildar, Pachpadra, District Balotra.
5. Tehsildar, Patodi, District Balotra.
6. Gram Panchayat Simrakhiya, Tehsil Pachpadra, District Balotra Through Its Sarpanch.

----Respondents

For Petitioner(s)	:	Mr. Moti Singh
For Respondent(s)	:	Mr. Sanjay Raj Paliwal, GC

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

12/02/2026

1. The present writ petition is filed challenging the order dated 09.08.2024 passed by the District Collector, Balotra, whereby the land of Khasra No. 278 measuring 1.6190 hectare (which was recorded as '*gair mumkin gochar*') has been reserved and allotted for the purpose of cremation ground and the land of Khasra No. 1021/396 of Village Khemsar Nagar Bhakari Nagar, Gram Panchayat Bhakri Kheda has been reserved as '*gochar*'.

2. Learned counsel for the petitioner has challenged the said order on the ground that the District Collector, Balotra has no authority and jurisdiction to pass such order, as such power can only be exercised with prior approval of the State Government. The order impugned has been passed in light of the Notification dated 08.04.2022 issued by the Revenue (Group-6) Department, Jaipur.

3. Learned counsel for the petitioner submits that the said notification is not applicable in the present case, as the said notification only authorizes to the District Collector, in case, the land has been placed at the disposal of the local bodies.

4. On the other hand, learned counsel for the petitioner has relied upon the Circular dated 19.09.2019 which clearly provides that the allotment of the gochar land in another village in lieu of such gochar land is being set apart for any purpose, can only be done with prior approval of the State Government.

5. Learned counsel for the respondents, after arguing for some time has failed to dispute the legal submissions advanced on behalf of the learned counsel for the petitioner, which clearly shows that the order impugned is absolutely without jurisdiction and thus, non-est in the eyes of law.

6. In this view of matter, the order dated 09.08.2024 passed by the District Collector, Balotara is declared illegal and the same is hereby quashed and set aside. However, it will be open for the District Collector, Balotara to take action strictly in accordance with the provisions of law so also the circular/notification issued by the State Government in that regard.

7. With these observations, the present writ petition is hereby allowed.

8. Stay applications and all pending applications, if any, stand disposed of accordingly.

(SANJEET PUROHIT),J

176-shashi/-