

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

S.B. Civil Writ Petition No. 6333/2026

Sukhjinder Singh S/o Gurpyaas Singh, Aged About 45 Years, R/o Khane Ki Dhaab, Tehsil Malot, District Shri Muktsar Sahib (Punjab) At Present Chak-75 Gb Tehsil Anoopgarh, District Sriganganagar (Raj.).

----Petitioner

Versus

1. Senior Section Engineer (P.w), U.p.r, Suratgarh, District Sriganganagar (Raj.).
2. Assistant Divisional Engineer, U.p.r, Suratgarh, District Sriganganagar (Raj.).
3. Union Of India, Through General Manager, North-West Railway, Near Jawahar Circle, Jaipur (Raj.).
4. State Of Rajasthan, Through Tehsildaar, Anoopgarh, District Sriganganagar (Raj.).

----Respondents

For Petitioner(s)	:	Mr. Hemant Jain Mr. Gaurav Nagda
For Respondent(s)	:	--

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

25/03/2026

1. The present writ petition has been filed by the petitioner under Article 226 of the Constitution of India, assailing the validity and propriety of the notices dated 13.12.2025 and 09.01.2026 passed by the respondents alleging encroachment made by the petitioner on land belonging to the railway department.
2. Learned counsel for the petitioner submitted that no encroachment as alleged has been made by the petitioner. Drawing attention of the Court towards the report dated

22.01.2026 (Annexure - 07) prepared and submitted by the Patwari to the respondent No.4 regarding the land in possession of the railway department in Chak-75 GB, learned counsel for the petitioner submitted that the aforesaid report clearly highlights the discrepancies between the revenue records and the map prepared by the railway department. The railway department has reduced the length by only 850 meters and increased the width, which has become the main cause of the dispute. The report submitted by the Patwari indicate material inconsistency in the official record and thus the impugned action of the respondent is based on unreliable and incorrect data.

3. Learned counsel further submitted that petitioner and respondent were called on the spot to inspect the land in question and a Fard Mauka was prepared by the Patwari along with the report dated 10.12.2025 (Annexure - 03). It was submitted that as per the report dated 10.12.2025, the location of the agricultural electricity connection is 5-6 feet within cementitious foundation of the agricultural land of the petitioner and approximately 10-11 feet inside the boundary line on the underground bridge side. Despite the clear finding recorded by the Patwari, the respondents have issued the impugned notice to the petitioner, which demonstrate arbitrary use of their power.

4. Lastly, it was submitted that impugned notices dated 13.12.2025 and 09.01.2026 issued by the respondent department alleging encroachment by the petitioner over the land belonging to the railway department are wholly arbitrary, illegal and unsustainable in the eyes of law and therefore the same deserve to be quashed and set aside by this Court.

5. Heard learned counsel for the petitioner. Perused the material as made available on record.

6. This Court after hearing learned counsel for the petitioner and upon perusal of the case file finds that the dispute as to whether the petitioner has encroached over the land belonging to the respondent railway department or not is a pure question of fact which cannot be decided effectively without recording statements of the affected parties and going through the official/revenue record.

7. It is a well settled proposition of law that when there are disputed questions of facts involved in a case, the High Court should not exercise its jurisdiction under Article 226 of the Constitution of India.

8. In view of the above, the present writ petition as well as stay petition stand dismissed. No order as to costs.

9. It is, however, made clear that dismissal of the present writ petition will not preclude the petitioner from approaching the appropriate legal forum for redressal of his grievances, if so advised.

(KULDEEP MATHUR),J