

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

S.B. Civil Writ Petition No. 6650/2026

Hanuman S/o Moola Ram, Aged About 48 Years, Resident Of
Bijaraniyon Ki Dhani, Village Panchota Tehsil Nawa, District
Deedwana Kuchaman (Rajasthan)

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Revenue
Department, Jaipur(Rajasthan)
2. The District Collector, District Deedwana Kuchaman
(Rajasthan).
3. The Tehsildar, Nawa, District Deedwana Kuchaman
(Rajasthan).
4. The Patwari, Village Panchota Tehsil Nawa, District
Deedwana Kuchaman (Rajasthan).

-----Respondents

For Petitioner(s) : Mr. Deependra Singh Shekhawat

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

29/04/2026

1. Present writ petition is filed challenging order dated 21.10.2025 (Annexure-2) passed by learned Tehsildar, Nawa, District Deedwana Kuchaman, whereby, while deciding proceedings under Section 91 of Rajasthan Land Revenue Act ("the Act"), petitioner has been declared encroacher and an order for his eviction has been passed.

2. Learned counsel for petitioner submits that petitioner is lawful owner and in peaceful possession of property situated at Khasra No. 846, Village Panchota, Tehsil Nawa, District Deedwana-Kuchaman. It is further submitted that petitioner and his

ancestors have been in continuous and peaceful possession of said property for several years, and that the property forms part of the residential area of the village.

3. It is further submitted that inspite of such established possession of petitioner over the land in question, *ex parte* proceedings under Section 91 of the Act are being initiated against petitioner upon report of Patwari.

4. This Court finds that it is settled position of law that an order passed under Section 91 of the Act is appealable, and therefore, writ petition directly challenging the same before this Court is not maintainable. Accordingly, invocation of the writ jurisdiction of this Court at this stage is not appropriate. Reliance may appropriately be placed upon order dated 04.03.2026 passed in ***S.B. Civil Writ Petition No. 2581/2026 (Magan Singh vs. State of Rajasthan)*** and judgment dated 17.04.2026 passed in ***S.B. Civil Writ Petition No. 8190/2026 (Lunaram vs. State of Rajasthan)***.

5. This Court *prima facie* finds that in view of judgments passed in ***Magan Singh*** (supra) and ***Luna Ram*** (supra), present writ petition challenging impugned order dated 21.10.2025 (Annexure-2) passed by learned Tehsildar, Nawa, District Deedwana Kuchaman, is not maintainable when an alternative efficacious statutory remedy in the form of appeal under the Act is available with petitioner.

6. Accordingly, instant writ petition is **dismissed**. The petitioner is, however, at liberty to challenge the said order dated 21.10.2025 (Annexure-2) by way of filing appeal before the competent Appellate Authority.

7. Stay application and all pending applications, if any, also stand **disposed of**.

(SANJEET PUROHIT),J

23-shashikant/-