

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

S.B. Civil Writ Petition No. 6795/2026

1. LRs of Shri Ram :
- 1/1. Diwali W/o Late Shri Ram, R/o Village Sura Ka Bas, Grampanchayat Kodesar, Tehsil Malsisar, District Jhunjhunu, Rajasthan. 331027.
- 1/2. Meera Devi D/o Late Shri Ram W/o Kaarniram, Aged About 49 Years, R/o Village Sura Ka Bas, Grampanchayat Kodesar, Tehsil Malsisar, District Jhunjhunu, Rajasthan. 331027.

----Petitioners

Versus

1. The State Of Rajasthan, Through Principal Secretary To Government, Colonization And Sainik Kalyan Department, Jaipur (Rajasthan.).
2. The Allotment Officer And Add. Commissioner, Colonization Department, Bikaner, Rajasthan.
3. The Tehsildar, Colonization Tehsil Nachana 1, District Jaisalmer, Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Binja Ram Jajra
For Respondent(s)	:	--

HON'BLE MR. JUSTICE KULDEEP MATHUR

Order

27/03/2026

1. Learned counsel for the petitioners submits that the controversy involved in the present writ petition is squarely covered by the order passed by a Coordinate Bench of this Hon'ble Court in the case of **Lrs of Mohar Singh Vs. State of Rajasthan and Anr. (S.B. Civil Writ Petition No.10003/2022)** decided on 11.11.2022, which reads as follows:

"The defect pointed out by the office in the circumstances of the case is overruled.

This writ petition has been filed by the petitioners claiming themselves to be the legal representatives of an ex-serviceman and claiming allotment under the provisions of Rajasthan Colonization Act, 1954 ('Act of 1954')/Rajasthan Colonization (Allotment and Sales of Government Land in the Indira Gandhi Canal Colony Area) Rules, 1975 ('Rules of 1975'). Various submissions have been made in the petition regarding the allotment having been made to the exserviceman, who has died, however, the allotment has not fructified and their claim to get the land in question allotted. Learned counsel for the respondent-State has brought to the notice of the Court a Notification dated 10.12.2019, wherein, Clause-(xii) has been added to Rule 12A of the Rules of 1975, which reads as under:- (xii) Where an ex-servicemen submitted an application for allotment of land under this rule and his application is accepted for allotment but applicant has died before the issue of allotment order or handing over the possession of allotted land to him, the allotment order, if not already issued, shall be issued and in case already issued, a revised allotment order shall be issued in favour of his spouse or in case his spouse not alive in favour of his legal heirs. In such case, before issue of such order or revised order, a notice shall be issued informing the fact of the death of the applicant and inviting claims from the legal heirs before a date fixed in such notice. Wide publicity shall be given to the notice and copy of notice shall be affixed on notice board of the office of Allotting Authority. The notice shall be sent to the concerned Zila Sainik Kalyan Board, it shall affix it on its notice board as also on the residence of the deceased applicant. It shall also be published in at least two state level newspapers having wide circulation in the State and the website of the Department. The claims shall be decided by the Allotting Authority in consultation with the Advisory Committee." In view of the amendment made in the

Rules, submissions have been made that the respondents have already initiated action based on the amended provisions and that the petitioners may approach the allotting authority, who will take into consideration the case of the (3 of 4) petitioners and after following the due procedure, in case the petitioners are found entitled, the allotment shall be made to them. In view of the above amended provisions and the submissions made by learned counsel for the respondents, the petition filed by the petitioners is disposed of with the directions to the allotting authority to follow the procedure as prescribed under Clause-(xii) of Rule 12-A of the Rules of 1975 and deal with the representation/application of the petitioners appropriately. The petitioners may approach the allotting authority preferably within a period of four weeks and it is expected of the allotting authority to deal with the cases of the petitioners expeditiously and preferably within a period of four months from the date the petitioners approach the respondents."

2. In light of the aforequoted order and in view of the amendment made in the Rules, submissions have been made that the respondents have already initiated action based on the amended provisions and that the petitioners may approach the allotting authority, who will take into consideration the case of the petitioners and after following the due procedure, in case the petitioners are found entitled, the allotment shall be made to them.

3. In view of the above amended provisions, the petition filed by the petitioners is disposed of with the directions to the allotting authority to follow the procedure as prescribed under Clause-(xii) of Rule 12-A of the Rules of 1975 and deal with the representation/application of the petitioners appropriately.

4. The petitioners may approach the allotting authority within a period of four weeks from today and it shall be expected of the allotting authority to deal with the cases of the petitioners expeditiously, preferably within a period of four months from the date the representation of the petitioners is received by the respondents, strictly in accordance with law.

5. All pending applications also stand disposed of.

(KULDEEP MATHUR),J

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