

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

S.B. Civil Writ Petition No. 6840/2026

1. Chhau W/o Shri Rameshwar Brahmin, Aged About 84 Years, R/o Maheshpura, Tehsil And District Bhilwara (Raj.)
2. Kamala D/o Shri Rameshwar Brahmin, Aged About 62 Years, R/o Maheshpura, Tehsil And District Bhilwara (Raj.)
3. Mahaveer S/o Shri Rameshwar Brahmin, Aged About 60 Years, R/o Maheshpura, Tehsil And District Bhilwara (Raj.)

-----Petitioners

Versus

1. Bhopal S/o Shri Bhanwar Lal, R/o Beed Ka Kheda, Tehsil Mandalgarh, District Bhilwara (Raj.)
2. Sanjay Kumar S/o Shri Prem Shankar, R/o Beed Ka Kheda, Tehsil Mandalgarh, District Bhilwara (Raj.)
3. Dhiraj Kumar S/o Shri Prem Shankar, R/o Beed Ka Kheda, Tehsil Mandalgarh, District Bhilwara (Raj.)
4. Lalita W/o Shri Prem Shankar, R/o Beed Ka Kheda, Tehsil Mandalgarh, District Bhilwara (Raj.)
5. State Of Rajasthan, Through Tehsildar/sub-Registrar, Bhilwara (Raj.)

-----Respondents

For Petitioner(s) : Mr. Rohitash Singh Rathore

For Respondent(s) : -

HON'BLE MR. JUSTICE FARJAND ALI

Order

28/03/2026

1. Heard the learned counsel for the petitioners and gone through the niceties of the matter and the averments made in the writ petition.

2. Learned counsel for the petitioner after arguing to some extent confines his prayer for issuance of certain directions to the

learned SDO and Assistant Collector Bhilwara for expeditious and lawful disposal of his application moved under Section 212 of the Rajasthan Tenancy Act.

3. The prayer seems to be genuine.

4. What emanates from the material made available to this Court is that the petitioners instituted a suit for declaration and other ancillary reliefs under the provisions of the Rajasthan Tenancy Act before the learned SDO and ACM, Bhilwara in the month of August, 2025. On 22.08.2025, the learned SDO, upon due consideration of the pleadings and the material annexed therewith, was pleased to pass an ad interim order restraining the respondents from causing any interference in the possession of the petitioners over the property in question, with a specific direction not to eject them from the suit property and to maintain status quo with regard to the revenue record. Simultaneously, notice was issued to the respondents.

4.1 The record further reflects that on several occasions the matter came to be adjourned for one reason or the other. Vide order dated 27.10.2025, the respondents were granted a last opportunity to file reply to the application under Section 212 of the Rajasthan Tenancy Act, with an observation that in case of failure, their right to file reply would stand closed. Thereafter, on 05.03.2026, the learned Court below directed the counsel for the plaintiffs to supply copies of the suit and documents to the defendants, granting a last opportunity for the said purpose.

4.2 On 05.03.2026, when the matter was taken up, it was observed by the learned ACM that despite directions, the copies had not been supplied to the defendants. Taking note of the aforesaid lapse, the learned ACM declined to extend the ad interim order dated 22.08.2025 and posted the matter for reply and arguments on 27.03.2026.

4.3 The petitioners, being aggrieved of the order dated 05.03.2026, have approached this Court contending that once the learned ACM had granted an ad interim injunction upon due consideration and upon recording satisfaction of a strong prima facie case, the same ought not to have been declined for extension until final adjudication of the application under Section 212 of the Act.

5. This Court is of the view that the petitioners were indeed under an obligation to comply with the direction issued by the learned ACM with regard to supply of copies of the plaint and documents to the defendants, and their failure in this regard cannot be appreciated. However, at the same time, this Court is further of the considered opinion that declining the extension of an ad interim order, which had been granted after due consideration and upon satisfaction of a strong prima facie case, does not comport with the spirit of law and justice.

6. Learned counsel for the petitioners submits that the petitioners are ready and willing to supply copies of the plaint and documents to the respondents and assures this Court that the same shall be furnished before the next date of hearing. It is

further submitted that in the peculiar facts and circumstances of the case, there exists a strong apprehension of ejectment from the agricultural land and deprivation of the right to cultivate, thus necessitating protection by way of continuation of the ad interim order.

7. In view of the above and upon due deliberation, this Court is of the opinion that the learned SDO was not justified in withdrawing the ad interim order. It is also noticed that the issue regarding non-supply of copies was not raised initially and came to be directed only on 25.02.2026 when the application for temporary injunction was pending consideration before the Court of first instance.

7.1 Ordinarily, this Court, while exercising writ jurisdiction, would be slow in interfering in such matters, as such interference may have a bearing on the merits of the case. However, in the peculiar facts of the present case, interference is warranted.

8. Accordingly, the order dated 05.03.2026 passed by the learned SDO and ACM, Bhilwara is quashed and set aside. The ad interim order dated 22.08.2025 shall remain in force till disposal of the application under Section 212 of the Rajasthan Tenancy Act.

9. By way of abundant caution, it is clarified that the learned trial Court shall not be influenced by any observation with regard to existence of a prima facie case, irreparable injury or balance of convenience in favour of the petitioners, as the present order has been passed in the peculiar facts and circumstances of the case.

10. Accordingly, the instant writ petition as well as stay petition is disposed of with the following directions:-

10.1 The learned trial Court shall decide the application for temporary injunction strictly in accordance with law, settled legal principles and the material placed before it by the parties, without being influenced by any observation made by this Court.

10.2 It is further directed that the learned trial Court shall decide the application under Section 212 of the Act within a period of 45 days from the date of receipt of a copy of this order, provided that the petitioners shall supply copies of the plaint and documents to the counsel for the defendants within a period of 15 days from today.

11. It is made clear that this Court has not gone into the merits of the case.

(FARJAND ALI),J