



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

D.B. Writ Contempt Petition No. 438/2025

Davad Khan S/o Janu Khan, Aged About 32 Years, R/o Butaniyo
Ki Dhani, Teja Ki Beri, Sarana, District Jalore, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Department Of Rural Development And Panchayati Raj, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
2. Dr. Joga Ram, Principal Secretary, Department Of Rural Development And Panchayati Raj, Government Of Rajasthan, Secretariat, Jaipur, Rajasthan.
3. Dr. Pradeep K. Gawande, District Collector, District Jalore.
4. Surajbhan Vishnoi, Tehsildar Sayla, District Jalore.
5. Laxmi Choudhary, Sub Divisional Officer, Sayla, District Jalore.
6. Ida Bano, Sarpanch (Prshasak), Gram Panchayat, Teja Ki Beri, Panchayat Samiti Sayla, District Jalore.

-----Respondents

For Petitioner(s)	:	None
For Respondent(s)	:	Ms. Kanchan Jodha for Mr. N.S. Rajpurohit, AAG

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL**

Order (Oral)

27/04/2026

Per: Arun Monga, J.

1. The petitioner, claiming to be a public-spirited person, instituted a writ petition in the larger public interest seeking directions for removal of encroachment in Village Teja Ki Beri. The

said writ petition came to be disposed of vide order dated 23.09.2024 in the following terms:-

- "2. This PIL has been filed alleging inaction on the part of the State authorities in the matter of non-removal of encroachments.
3. Learned counsel for the petitioner would submit that way back in the month of January, 2023, notices were issued by the Gram Panchayat, Teja Ki Beri to number of persons including Mehboob Khan, Jamal Khan, Pappu Khan, Hindal Khan, Male Khan, Janu Khan, Nure Khan, Muse Khan, Latib Khan and Habib Khan to remove the encroachments but the encroachments have not been removed by them till date.
4. In the petition, it has been averred in para 4.7 that till date no action has been taken.
5. The persons to whom notices have been given are not parties to the writ petition. Therefore, without those persons being party to the petition, we are not inclined to proceed further in this matter.
6. Be that as it may, the concerned Gram Panchayat, if it has not already concluded the proceedings, is required to complete the exercise one way or the other. It is not known whether the notices issued by the concerned Gram Panchayat have been challenged by the above named persons and if so, whether any order has been passed in any proceedings by the Revenue authorities or by the Courts. In case there is no remedy taken by the afore-named persons challenging the notices issued by the Gram Panchayat, the Gram Panchayat would be required to take appropriate action.
7. A copy of this order be submitted before the Gram Panchayat, Teja Ki Beri as also to the Tehsildar Sayla, district Jalore for necessary compliance."

2. Pursuant to the aforesaid order, the petitioner submitted a representation dated 26.09.2024 before the respondent authorities, requesting compliance.
3. Notice of the instant contempt petition was issued to the respondents. In response to the petition, reply dated 07.03.2026 has been filed, *inter alia*, taking the following stand:-

“(C) That with due respect it is respectfully submitted that the answering respondents have not committed deliberate and willful disobedience of order 23.9.2024. In respect of order dated 23.9.2024, it is respectfully submitted that the khasra No. 375 admeasuring 0.20 hectare, khasra No. 376 admeasuring 0.0700 hect. Khasra No. 377 admeasuring 0.316 hect. are entered gair mumkim aabadi and khasra No. 380 admeasuring 6.68 hect. in revenue records. In respect of aforesaid khasras SBWCP No. 337/2024 is also pending before the Hon'ble Court and SBCWP No. 8322/2025 Khoje Khan V/s. state is pending before the Hon'ble Court and Hon'ble Court on 25.4.2025 have passed interim orders not to dispossess the petitioners from their possessions. Similarly, the SBCWP No. 8601/2025 is also filed before the Hon'ble Court by Dhane Khan and Ors. and same was registered as Dhane Khan V/s. State. In this petition, order

not to dispossess the petitioner has been passed. Another writ petition was preferred which was registered as 10562/2024 Sattar Khan Vs/ State and in this petition, orders for not to dispossess the petitioner, were also granted. So all the encroachers obtained the interim orders from this Hon'ble court therefore, the answering respondents are unable to take any action to remove the encroachments. It is another aspect of the matter, that the answering respondents do not have authority to remove the encroachment in the aabadi area of gram panchayat. It is also a fact that the directions were issued to the gram panchayat and same is autonomous body, so it is respectfully prayed that where there is no direction against the answering respondents, then, the answering respondents could not be held guilty of defying the Hon'ble court's order. Thus, in view of the submissions made herein above, the contempt notices issued to the answering respondents may kindly be discharged and contempt petition filed by the answering the respondents is liable to be dismissed. A copy of the order dated. 25.4.2025, 7.5.2025 and 7.8.2025 are submitted herewith and marked as Annexure R/1 to Annexure R/3.

(D) These are the two reasons due to which, orders passed by the Hon'ble Court could not be complied with and the same is not under the authority of the answering respondents to bypass the directions issued by this Hon'ble court. So under the aforesaid disability, orders issued by the Hon'ble court could not be complied with. Thus, the present contempt petition is liable to be dismissed and notices issued to the answering respondents may kindly be discharged."

4. To the aforesaid reply, no further affidavit or rejoinder has been filed.
5. In view of the aforesaid, it transpires that there is technical non-compliance of the order under contempt, however, the same is beyond the control of the contemnors, as the encroachers have instituted appropriate proceedings for redressal of their grievances, and interim protection has been granted by this Court.
6. In view thereof, the petitioner in case, is aggrieved and/or otherwise entitled to be heard in the pending proceedings instituted by encroachers, he is at liberty to take appropriate steps qua the same and it is not for us to adjudicate on the rights of the encroachers qua the land/property in question under the contempt jurisdiction.

7. The contempt proceedings are accordingly, disposed of. The contemnors are discharged with the contempt notice, with liberty to the petitioner as aforesaid.

8. Pending applications, if any, stand disposed of.

(SUNIL BENIWAL),J

(ARUN MONGA),J