

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

S.B. Civil Writ Petition No. 8303/2026

Sukhvinder Pal S/o Shri Buta Ram, Aged About 50 Years,
Resident Of Chhota Lal Pura, 12 Ptd-A, Sri Ganganagar
(Rajasthan)

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Revenue Department, Govt. Of Rajasthan, Jaipur.
2. The District Collector, Sri Ganganagar
3. The Tehsildar (Revenue), Raisinghnagar, District- Sri Ganganagar.

----Respondents

For Petitioner(s)	:	Mr. Santosh Choudhary
For Respondent(s)	:	---

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

29/04/2026

1. Present writ petition has been filed under Article 226 of the Constitution of India challenging alleged construction of shops on the command land of Chak 15 PTD A Stone No. 271/340, Murba No. 2, Kila No. 188 ("*land in question*"). It is averred that said construction of shops upon the land in question is taking place within 75 meters of the centre point of nearby National Highway No. 911, which is allegedly against the rules of NHAI as well as against the directives issued by this Court.

2. On a specific query being raised by this Court as to the locus standi of the petitioner to file present writ petition, learned counsel for the petitioner fairly conceded that the petitioner has no vested right in the land in question, nor has any legal right of his been violated by way of said construction of shops upon the

land in question. It is also apposite to observe that the present petition is not a Public Interest Litigation (PIL) instituted in a representative capacity on behalf of any other individual or identifiable group of persons affected by the alleged construction of shops.

3. It is a fundamental principle of writ jurisdiction that a petition under Article 226 of the Constitution of India (not being filed as PIL) is maintainable only for the enforcement of a legal or fundamental right. The existence of such a right is a condition precedent for invoking the extraordinary jurisdiction of this Court. A stranger or a busybody, having no direct or substantial interest in the subject matter, cannot be permitted to invoke the writ jurisdiction.

4. The Hon'ble Supreme Court in ***Jasbhai Motibhai Desai vs. Roshan Kumar, (1976) 1 SCC 671***, observed as follows :

"34. This Court has laid down in a number of decisions that in order to have the locus standi to invoke the extraordinary jurisdiction under Article 226, an applicant should ordinarily be one who has a personal or individual right in the subject matter of the application, though (1) the case of some of the writs like habeas corpus or quo warranto this rule is relaxed or modified. In other words, as a general rule, in fringement of some legal right or prejudice to some legal interest in hearing the petitioner is necessary to give him a locus standi in the matter.....

....

39. To distinguish such applicants from 'strangers', among them, some broad tests may be deduced from the conspectus made above. These tests are not absolute and ultimate. Their efficacy varies according to the circumstances of the case, including the statutory context in which the matter falls to be considered. These are: Whether the applicant is a person whose legal right has been infringed ? Has he suffered a legal wrong or injury, in the sense that his interest, recognised by law, has been prejudicially and directly affected by the act or omission of the authority, complained of ? Is he a person who has suffered a legal grievance, a person,

"against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something, or wrongfully affected his title to something"?.."

5. Similarly, in ***Ayaaubkhan Noorkhan Pathan vs. State of Maharashtra, (2013) 4 SCC 465***, the Apex Court held :

"9. It is a settled legal proposition that a stranger cannot be permitted to meddle in any proceeding, unless he satisfies the Authority/Court, that he falls within the category of aggrieved persons. Only a person who has suffered, or suffers from legal injury can challenge the act/action/order etc. in a court of law. A writ petition under Article 226 of the Constitution is maintainable either for the purpose of enforcing a statutory or legal right, or when there is a complaint by the appellant that there has been a breach of statutory duty on the part of the Authorities. Therefore, there must be a judicially enforceable right available for enforcement, on the basis of which writ jurisdiction is resorted to. The Court can of course, enforce the performance of a statutory duty by a public body, using its writ jurisdiction at the behest of a person, provided that such person satisfies the Court that he has a legal right to insist on such performance. The existence of such right is a condition precedent for invoking the writ jurisdiction of the courts. It is implicit in the exercise of such extraordinary jurisdiction that, the relief prayed for must be one to enforce a legal right. Infact, the existence of such right, is the foundation of the exercise of the said jurisdiction by the Court. The legal right that can be enforced must ordinarily be the right of the appellant himself, who complains of infraction of such right and approaches the Court for relief as regards the same. (Vide :State of Orissa v. Madan Gopal Rungta, AIR 1952 SC 12; Saghir Ahmad & Anr. v. State of U.P., AIR 1954 SC 728; Calcutta Gas Company (Proprietary) Ltd. v. State of West Bengal & Ors., AIR 1962 SC 1044; Rajendra Singh v. State of Madhya Pradesh, AIR 1996 SC 2736; and Tamilnad Mercantile Bank Shareholders Welfare Association (2) v. S.C. Sekar & Ors., (2009) 2 SCC 784)."

6. In light of the foregoing, the petitioner fails to establish the threshold requirement of *locus standi* under under Article 226 of the Constitution of India. In view of the categorical admission of the petitioner that no legal or fundamental right of his stands infringed, and in the absence of any demonstrable legal injury, the

petitioner cannot be said to be an aggrieved person having *locus standi* to maintain the present writ petition.

7. Accordingly, the writ petition is held to be not maintainable and being devoid of merits and unsustainable in law, is hereby **dismissed**.

8. Stay application and all other pending applications, if any, also stand **dismissed**.

(SANJEET PUROHIT),J

26-shashikant/-