

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil Second Appeal No. 101/2026

Mrs. Rakhi Soni

----Appellant

Versus

Sarpanch Of Gram Panchayat

----Respondent

For Appellant(s) : Mr. Gajendra Singh Rathore

For Respondent(s) : -

HON'BLE MR. JUSTICE FARJAND ALI

Order

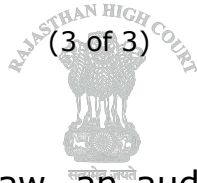
01/05/2026

1. A suit for perpetual and mandatory injunction came to be filed by the appellant herein with the averments that she was in possession of a piece of land since last 25 years and before that her mother-in-law was retaining possession of the same for 40 years. They were running a small boutique shop in the cabin. The respondent panchayat had a proposal to construct shops at the land including the piece of land of the plaintiff. She was given an assurance to temporarily remove her *kacha* (temporary) shop until a shopping area was constructed at the same site, as per the resolutions dated 05.04.2017 and 05.05.2017 of the Village Panchayat. It was further promised that, upon completion of the construction, a shop measuring 12 × 15 feet would be allotted in her favour. The shops were constructed, but whereafter no allotment was made which led to filing of the suit.

2. The suit has been dismissed on one of the ground of applicability of Section 61 of Gram Panchayat Act showing that the

plaintiff had an equally efficacious relief which can be obtained by challenging the resolution of the panchayat by way of filing an appeal before the standing committee of panchayat samiti.

3. Learned court of appeal as such did nothing except reincorporation of the same things which were there in the judgment of the Court of first instance. A plain reading of Section 61 of the Rajasthan Panchayati Raj Act, 1994 particularly 61(1) that any person aggrieved by any order or direction of panchayat can move an appeal before the Standing Committee of Panchayat Samiti. The provision, thus, essentially embodies two foundational requirements: firstly, the existence of an order or direction passed by the Panchayat; and secondly, that the person preferring the appeal must be an aggrieved person, i.e., one who has suffered a legal grievance or adverse effect on account of such order or direction. The contention that since it was neither an order nor any direction of panchayat rather a resolution or a concession of members of panchayat regarding assurance to the plaintiff to allot her shop after construction, therefore Section 61 was not applicable, has force. Otherwise also, the resolution was in favour of the plaintiff therefore she was not a person aggrieved and therefore on this account alone, she was not entitled to file an appeal and as such both the Courts have manifestly committed an error of law in making interpretation of Section 61 of the Rajasthan Panchayati Raj Act, 1994. There appears a strong arguable case in favour of the appellant and involvement of substantial point of law. Still this Court feels that before actually formulating question of law or hearing on the question of



availability of question of law, an audience shall be given to the respondent, thus issue notice.

4. Call for the record.
5. List the matter after four weeks.

(FARJAND ALI),J

30-chhavi/-