



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

S.B. Civil Writ Petition No. 8496/2025

1. State Of Rajasthan, Through The Tehsildar, Sujangarh, District Churu
2. State Of Rajasthan, Through Naiyab Tehsildar, Sub Tehsil, Bidasar, District Churu.

-----Petitioners

Versus

1. Late Shri Nanuram Father/o Kushala Ram, R/o Badhsar, Tehsil Sujangarh, District Churu.
2. Late Smt. Raja Devi W/o Late Shri Nanu Ram, Aged About 45 Years, R/o Badhsar, Tehsil Sujangarh, District Churu
3. Heera Lal S/o Late Shri Nanu Ram, R/o Badhsar, Tehsil Sujangarh, District Churu.
4. Ram Lal S/o Late Shri Nanu Ram, R/o Badhsar, Tehsil Sujangarh, District Churu.
5. Lali Devi D/o Late Shri Nanu Ram, R/o Badhsar, Tehsil Sujangarh, District Churu.
6. Meera Devi D/o Late Shri Nanu Ram, R/o Badhsar, Tehsil Sujangarh, District Churu.
7. Shanti Devi D/o Late Shri Nanu Ram, R/o Badhsar, Tehsil Sujangarh, District Churu.
8. Khemi Devi D/o Late Shri Nanu Ram, R/o Badhsar, Tehsil Sujangarh, District Churu.
9. Revanti Devi D/o Late Shri Nanu Ram, R/o Badhsar, Tehsil Sujangarh, District Churu.

-----Respondents

For Petitioner(s) : Mr. Sanjay Raj Paliwal, G.C.

HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

12/02/2026

1. Present writ petition is filed challenging the judgment dated 04.02.2020 passed by learned Board of Revenue, whereby



Reference Case No. 2006/1568/Churu was rejected by learned Board of Revenue.

2. Learned counsel for petitioners stated that at the time of settlement i.e. from Samvat 2010 to 2012, the land of khasra No. 226, ad measuring 60 bigha 17 biswa, Village Badhsar (hereinafter referred to as "land in question") recorded as Makbuja Thikana. Later on, the khasra numbers were changed and the land was re-numbered as khasra nos. 106 and 265 and was recorded as Gair Mumkin Gochar in Samvat 2028 to 2058.

2.1 It is stated that the respondents have preferred a revenue suit and Court of Assistant Collector, Sujangarh vide its judgment dated 23.10.2000 has ordered to record land of khasra No. 265 measuring 48 bigha 6 biswa, in the name of private respondents.

2.2 In the year 2014, Additional Collector made a reference to the Board for Revenue requesting to order for recording the land in question again as *Gair Mumkin Gochar*.

2.3 Learned Board of Revenue vide its judgment dated 04.02.2020 dismissed the said reference. Challenging the said judgment dated 04.02.2020, present writ petition is filed.

3. Counsel for the petitioners argued that the findings recorded by learned Board of Revenue are perverse. Order impugned has been passed without considering the fact that during the intervening period, the land had been recorded as *Gair Mumkin Gochar* for a considerably long time and the same was wrongly recorded in the name of private respondents.



3.1 Learned counsel for petitioners submits that by virtue of Section 16 of Rajasthan Tenancy Act, 1955, no khatedari rights can be created with respect to land recorded as *Gair Mumkin Gochar* and, therefore, the rejection of reference is in clear violation of statutory provisions.

3.2 Learned counsel for petitioners further contended that rejection of reference and the refusal to record the land as pasture land will adversely affect the rights not only of the villagers but also of the livestock in the area in question.

4. Heard learned counsel for petitioners and perused the material available on record.

5. At the outset, this Court finds that the impugned order was passed on 04.02.2020, whereas the present writ petition has been filed in April 2025, i.e., after a lapse of more than five years. No explanation, even in the nature of a formal plea, has been furnished in the writ petition for the delay caused in filing the writ petition. Upon a specific query being posed by this Court, learned counsel for the petitioners failed to offer any justifiable explanation for such inordinate delay.

5.1 The law regarding delay and laches in filing a writ petition is well settled. Although no specific period of limitation is prescribed for challenging an order passed by a subordinate court or authority under Article 227 of the Constitution of India, nevertheless, the petition must be filed within a reasonable time.

5.2 The Hon'ble Apex Court as well as this Hon'ble High Court, in a catena of judgments, have consistently held that absence of any



prescribed period of limitation for filing a writ petition does not entitle petitioners to challenge an order after considerable delay. Courts have held that a petitioner cannot be allowed to sit over his rights for an inordinate period and then seek judicial interference when the delay has caused prejudice to the opposite party or has led to a change in the status. Even in the absence of a specific statutory period, writ petition more specifically a writ of certiorari is expected to be filed within a reasonable time, which is generally regarded as being around 90 days. The Hon'ble Apex Court in **Mrinmoy Maity v. Chhanda Koley, (2024) 15 SCC 215** opined that inordinate delay or laches defeats equity. The relevant paragraphs are reproduced herein below:

*"9. Having heard rival contentions raised and on perusal of the facts obtained in the present case, we are of the considered view that the writ petitioner ought to have been non-suited or in other words the writ petition ought to have been dismissed on the ground of delay and laches itself. **An applicant who approaches the court belatedly or in other words sleeps over his rights for a considerable period of time, wakes up from his deep slumber ought not to be granted the extraordinary relief by the writ courts. This Court time and again has held that delay defeats equity. Delay or laches is one of the factors which should be borne in mind by the High Court while exercising discretionary powers under Article 226 of the Constitution of India.** In a given case, the High Court may refuse to invoke its extraordinary powers if laxity on the part of the applicant to assert his right has allowed the cause of action to drift away and attempts are made subsequently to rekindle the lapsed cause of action.*

*11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. **In such circumstances on the ground of delay and laches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that***



the writ petitioner is guilty of delay and laches, the High Court ought to dismiss the petition on that sole ground itself, inasmuch as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and laches on the part of the applicant in approaching a writ court."

5.3 This Hon'ble High Court in ***Noor Khan v. Board of Revenue, 2015 SCC OnLine Raj 8037*** held that excessive or inordinate delay in filing the writ petition disentitles the petitioners of any relief from the court. The relevant paragraph is reproduced herein below:

*"10. Indisputably, assailing the legality of order dated 24.8.93 passed by the Board of Revenue, the present writ petition has been filed by the petitioner after a lapse of 6 years. It is pertinent to note that in the petition filed, the order impugned dated 24.8.93 has been referred to as dated '24.8.98' and the petitioner has furnished the explanation of delay for the period February, 1999 to 31.8.1999 and therefore, it goes without saying that the petitioner was well aware that inordinate delay in filing the petition is required to be explained satisfactorily. **However, no explanation whatsoever is set out in the petition for inordinate delay of six years in filing the petition. In the considered opinion of this court, if aggrieved by the order impugned, the petitioner was required to approach this court with utmost expedition and thus, the present writ petition which badly suffers from vice of delay and laches, deserves to be dismissed on this count alone.** However, taking into consideration the fact that writ petition already stands admitted and is pending consideration for all these years, in the interest of justice, this court considers it appropriate to examine the case set out by the petitioner on merits."*

5.4 In view of the aforesaid, this Court finds that the present writ petition is grossly delayed and thus liable to be dismissed on this ground alone.



6. This Court has also examined the present case on its merits: 2026:RJ-JD:8201

Bare reading of the judgment impugned clearly shows that at the time of settlement of the revenue record, the land in question was recorded as Makbuja Thikana, i.e., Shivay Chak, which clearly indicates that even at the time of settlement the land was not recorded as Gair Mumkin Gochar. Subsequently, the said land was recorded as Gair Mumkin Gochar in violation of various circulars issued by the Government from time to time.

6.1 It is also evident from the record that the respondents had filed a revenue suit and the Court of the Assistant Collector, Sujangarh, by its judgment dated 23.10.2000, declared the private respondents as khatedars and directed that the land of khasra no. 265, measuring 48 bighas 8 biswas, be recorded in their names. The said judgment passed by competent Revenue Court was not challenged by the petitioners-State of Rajasthan before any forum and has therefore attained finality. In pursuance of that judgment dated 23.10.2000, the land was recorded in the name of the private respondents in March 2002.

6.2 However, after a lapse of about 12 years, a reference was made by the Additional Collector in June 2014. The said reference was made in contravention of the judgment dated 23.10.2000 already passed by the Assistant Collector, Sujangarh, in favour of the private respondents, which had attained finality. Taking into account this factual matrix, the learned Board of Revenue has rightly rejected the reference made by the State Government.

7. Learned counsel for the petitioners has failed to demonstrate any error, perversity, illegality or jurisdictional error on the part of



the learned Board of Revenue in passing the impugned order. The scope of interference of this Court under Article 227 of the Constitution of India is very limited. In view of peculiar facts of present case and having regard to gross delay and laches on the part of the petitioners in approaching this Court, no interference is called for.

8. Accordingly, the writ petition being devoid of merits is, hereby, dismissed.

9. Stay application and all other pending applications, if any, also stand disposed of.

(SANJEET PUROHIT),J

12-sumer/-