

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

D.B. Writ Contempt No. 625/2023

Mahesh Kumar Pal S/o Shri Late Banwari Lal, Aged About 36 Years, R/o Golf Course, Near Police Out-Post, Police Station, Ratanada, Jodhpur (Rajasthan).

-----Petitioner

Versus

1. Mr. T. Ravikanth, Principal Secretary (Additional Charge), Urban Development And Housing Department, Rajasthan Secretariat, Jaipur.
2. Mr. Himanshu Gupta, District Magistrate And Collector, Jodhpur.
3. Mr. Kailash Chand Meena, Commissioner, Jodhpur Development Authority , Jodhpur.
4. Mr. Jai Narayan Meena, Secretary, Jodhpur Development Authority, Jodhpur.
5. Mr Atul Prakash, Commissioner Municipal Corporation (North), Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Harsh Bishnoi
For Respondent(s)	:	Mr. Ayush Gehlot

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT**

Order (Oral)

24/02/2026

Per : Arun Monga, J

1. The petitioner is before this Court alleging non-compliance with the order dated 07.02.2022, whereby the writ petition was disposed of with the following directions:—

"The PLPC shall have a thorough enquiry conducted into the representation submitted by the petitioner in light of the directions given by this Court in the case of Jagdish Prasad Meena (Supra) and decide the same within a period of three months from the date of submission thereof."

Till the proceedings are completed by the PLPC, the injunction against the construction on the disputed land shall remain in force.

In case of adverse proceedings being drawn, the petitioner shall be at liberty to file fresh writ petition."

2. Apropos, a compliance report dated 07.02.2026 has been filed which reads as under:-

"3. That, in compliance with the directions issued by this Hon'ble Court, it is most respectfully submitted that the District Collector, Jodhpur, upon due consideration of the petitioner, representation filed by the passed an order dated 24.05.2024. By the said order, the District Collector, Jodhpur directed the answering respondent-Commissioner, Municipal Corporation, Jodhpur (North) to undertake an inquiry into the status of encroachment over Khasra No. 1992/378, situated at Gram Mandore, and to take necessary action for removal of encroachment strictly in accordance with law.

4. That, in pursuance of the aforesaid order dated 24.05.2024, the Deputy Commissioner, Municipal Corporation, Jodhpur (North) addressed a communication to the Tehsildar, Jodhpur, requesting him to conduct a proper demarcation of the land comprised in Khasra to No. 1992/378 and report regarding the submit a detailed report regarding existence of any encroachment. In response, the Tehsildar, Jodhpur, vide his letter dated 13.06.2024, informed the Deputy Commissioner that no certified map of Gram Mandore is available in the official record. Consequently, measurement and demarcation of Khasra No.1992/378 could not be undertaken at that stage. It was further reported that the land in question is surrounded by dense habitation, and the corresponding maps of nearby agricultural fields do not superimpose with the map available on record. The Tehsildar also brought to notice that certain litigation between private Khatedars is pending with regard to the said land. Hence, the demarcation proceedings could not be carried out.

5. That, notwithstanding the aforesaid difficulty, the answering respondent, in order to ensure compliance, constituted a joint team vide communication dated 24.11.2024. The said team comprised competent officers from the Revenue Department, Settlement Department, and the Municipal Corporation, Jodhpur, with a mandate to carry out the demarcation of Khasra No. 1992/378. However, when the joint team reached the site to undertake the demarcation exercise, the private Khatedars produced the copies of judicial orders, namely, (i) the stay order dated 02.05.2008 passed by the Learned Board of Revenue, Ajmer in Revision Case No. 4133/2008, and (ii) the order dated 15.05.2007 passed by the Learned Additional Civil Judge (Junior Division) & Judicial Magistrate. No. 2, Jodhpur, in Civil Miscellaneous Application No. 149/2006-Smt. Sharada vs. Gomaram & Others. Upon of perusal the above-mentioned judicial orders, it transpired that the then Urban Improvement Trust had issued Patta No. 1485 dated 20.10.2002 which was cancelled by the Learned Divisional Commissioner subsequently in Revenue Appeal No. 105/2006 (Gomaram vs. Smt. Sharada & Others) vide judgment dated 18.03.2008. Against the said

judgment, Revision Case No. 4133/2008 is pending before the Learned Board Revenue, Ajmer, wherein the stay order dated 02.05.2008 is still operative.

6. That, it is further submitted for the kind consideration of this Hon'ble Court that land admeasuring 02.00 Bighas, comprised in Khasra No. 1992/378, was duly mutated by the Tehsildar in the name of the Municipal Corporation, Jodhpur, vide order dated 05.09.2016. The land stands recorded in the revenue record as municipal land, its nature being depicted as barren land.

7. That, in view of the facts and circumstances submitted hereinabove, it is submitted here that the answering respondent has made all bona fide efforts and has duly complied with the order passed by this Hon'ble Court, both in letter and spirit. However, the answering respondent most humbly tenders an unconditional apology before this Hon'ble Court for any inconvenience inadvertently caused during the process of compliance."

3. Qua the compliance report, no further affidavit and/or fresh material has been placed on record by the petitioner to demonstrate any deliberate or wilful non-compliance of the order in question. It transpires that the directions have been substantially complied with. Insofar as the remaining directions are concerned, it is borne out from the record that, in the interregnum, the encroachers approached the competent Court seeking a stay against demolition of their respective properties, and interim protection has been granted in their favour. In view of the interim orders so passed by the competent Court, the respondents, apprehending violation thereof, have refrained from carrying out demolition of only those existing structures/constructions

4. In the premise, we are of the view that there is no deliberate non compliance and petitioner is at liberty to join the proceedings pending before the Civil Courts by taking appropriate steps to seek vacation of the interim order passed therein.

5. As far as the order dated 07.02.2022 in question, we are of the view that there is no deliberate non-compliance. Accordingly,

no further proceedings are warranted. The contempt petition is, therefore, disposed of.

6. Notice issued to the respondents stands discharged.

(YOGENDRA KUMAR PUROHIT),J

(ARUN MONGA),J

18-suraj/-