



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



S.B. Civil Writ Petition No. 9221/2026

1. Shanker Lal S/o Ladu Ram, Aged About 60 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar (Raj.).
2. Harlal S/o Laduram, Aged About 72 Years, Resident Of Inanniyo Ka Bass, Falka, Tehsil Jaitaran, District Beawar (Raj.).
3. Bhanwar Lal S/o Ladu Ram, Aged About 77 Years, Resident Of Innaniyo Ka Bas Falka, Tehsil Jaitaran, District Beawar (Raj.)

-----Petitioners

Versus

1. The State Of Rajasthan, Through Secretary Panchayat Raj Department, Jaipur, Rajasthan.
2. The District Collector, Beawar, District Beawar.
3. Sub Tehsildar Kalu, Tehsil Jaitaran, District Beawar, Rajasthan.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 9217/2026

1. Mukesh S/o Babulal, Aged About 40 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar (Raj.).
2. Raju Ram @ Rajendra S/o Pema Ram, Aged About 33 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar (Raj.).
3. Puka Ram S/o Bhura Ram, Aged About 57 Years, Resident Of Khari Road, Falka, Tehsil Jaitaran, District Beawar (Raj.).
4. Kishna Ram S/o Hardeen Jat, Aged About 68 Years, Resident Of Chhabo Ka Bas, Falka, Tehsil Jaitaran, District Beawar (Raj.).
5. Raju Ram S/o Pema Ram, Aged About 36 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar (Raj.).
6. Teja Ram S/o Baksha Ram Jat, Aged About 56 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar (Raj.).
7. Jassa Ram S/o Hardeen Jat, Aged About 77 Years,



Resident Of Chhabo Ka Mohaala, Falka, Tehsil Jaitaran,
District Beawar (Raj.).

8. Shayam Lal S/o Dhara Ram Jat, Aged About 62 Years,
Resident Of Falka, Tehsil Jaitaran, District Beawar (Raj.).
9. Jhumar Ram S/o Bhachna Ram, Aged About 60 Years,
Resident Of Meghwalo Ka Bas Falka, Tehsil Jaitaran,
District Beawar (Raj.).
10. Hukama Ram S/o Bhanwar Lal Meghwal, Aged About 50
Years, Resident Of Falka, Tehsil Jaitaran, District Beawar
(Raj.).

-----Petitioners

Versus

1. The State Of Rajasthan, Through Secretary Panchayati
Raj Department, Jaipur, Rajasthan.
2. The District Collector, Beawar, District Beawar.
3. Sub Tehsildar Kalu, Tehsil Jaitaran, District Beawar,
Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 9232/2026

1. Babu Lal S/o Shanker Lal Jat, Aged About 50 Years,
Resident Of Falka, Tehsil Jaitaran, District Beawar(Raj).
2. Ramuram@ Ramdeen S/o Gokal Ram Jat, Aged About
73 Years, Resident Of Falka, Tehsil Jaitaran, District
Beawar(Raj).
3. Nema Ram S/o Goda Ram, Aged About 45 Years,
Resident Of Falka, Tehsil Jaitaran, District Beawar(Raj).
4. Dharma Ram S/o Hardeen Jat, Aged About 64 Years,
Resident Of Falka, Tehsil Jaitaran, District Beawar(Raj).

-----Petitioners

Versus

1. The State Of Rajasthan, Through Secretary Panchayati
Raj Department, Jaipur, Rajasthan.
2. The District Collector, Beawar, District Beawar.
3. Sub Tehsildar Kalu, Tehsil Jaitaran, District Beawar,
Rajasthan.



----Respondents

S.B. Civil Writ Petition No. 9242/2026

1. Kali Bai W/o Ugma Ram Bavri, Aged About 55 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar(Raj).
2. Sampat Ram S/o Gopal Bavri, Aged About 60 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar(Raj).

----Petitioners

Versus

1. The State Of Rajasthan, Through Secretary Panchayati Raj Department , Jaipur, Rajasthan.
2. The District Collector, Beawar, District Beawar.
3. Sub Tehsildar Kalu, Tehsil Jaitaran, District Beawar, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 9243/2026

1. Jai Prakash S/o Jassa Ram, Aged About 36 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar(Raj).
2. Hemant Kumar S/o Jasa Ram, Aged About 40 Years, Resident Of Falka, Tehsil Jaitaran, District Beawar(Raj).

----Petitioners

Versus

1. The State Of Rajasthan, Through Secretary Panchayati Raj Department, Jaipur, Rajasthan.
2. The District Collector, Beawar, District Beawar.
3. Sub Tehsildar Kalu, Tehsil Jaitaran, District Beawar, Rajasthan.

----Respondents



S.B. Civil Writ Petition No. 9131/2026

Om Prakash S/o Rupa Ram, Aged About 50 Years,
Resident Of Near Government School, Gram Panchayat
Falka, Tehsil Jaitaran, District Beawar (Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary,
Panchayati Raj Department, Jaipur, Rajasthan.
2. The District Collector, Beawar, District Beawar.
3. Sub Tehsildar Kalu, Tehsil Jaitaran, District Beawar,
Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 9154/2026

Shyam Lal S/o Nathu Ram, Aged About 46 Years, R/o
Gram Panchayat Falka, Tehsil Jaitaran, District Beawar
(Raj.).

----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary
Panchayat Raj Department, Jaipur, Rajasthan.
2. The District Collector, Beawar, District Beawar.
3. Sub Tehsildar Kalu, Tehsil Jaitaran, District Beawar,
Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Kunal Upadhyay. Mr. Sahee Ram.
For Respondent(s)	:	Mr. S.R. Paliwal, G.C.

HON'BLE MR. JUSTICE SANJEET PUROHIT

JUDGMENT

- | | |
|---|-------------------|
| 1. Date of conclusion of arguments | 29.04.2026 |
| 2. Date on which judgment was reserved | 29.04.2026 |



3. Whether the full judgment or only the operative part is pronounced :

Full Judgment

4. Date of pronouncement

27.05.2026

***"Even God himself did not pass sentence upon Adam, before he was called upon to make his defence. Adam (says God) where art thou? Hast thou not eaten of the tree, whereof I commanded thee that thou shouldst not eat? And the same question was put to Eve also"*¹**

1. Principles of natural justice constitute the bedrock of every fair adjudicatory process. No authority exercising statutory power, howsoever summary the procedure may be, can dispense with the elementary requirement of affording a meaningful opportunity of hearing to the person likely to be adversely affected. Procedural fairness is not an empty ritual nor a technical embellishment to the exercise of power, it is the very soul of lawful decision-making.

1.1 Proceedings initiated under Section 91 of Rajasthan Land Revenue Act, 1956 ("Act of 1956"), though summary in character, carry serious civil consequences, including eviction from possession. The statutory framework itself recognizes this by incorporating certain safeguards. Such safeguards are not directory formalities but mandatory conditions intended to ensure that power of summary eviction does not degenerate into arbitrary exercise of authority.

1.2 This Court is mindful that encroachments upon public land cannot be countenanced and that State is duty-bound to protect common and government land from unauthorized occupation. At the same time, the duty to protect public land cannot be discharged by sacrificing procedural fairness. The rule of law

¹ R. v. Cambridge University (1723) 1 Str. 557.



requires that even a person alleged to be in unauthorized occupation must be dealt with strictly in accordance with the procedure established by law.

The controversy in the present matter, therefore, extends beyond the issue of encroachment alone. It raises a larger question concerning the manner in which statutory powers are exercised by public authorities and whether administrative expediency can be permitted to override the indispensable requirement of a fair hearing. It is this question that falls for consideration before this Court.

Brief Factual Background

2. Present bunch of writ petitions challenges the actions of Sub Tehsildar, Anandpur, Kalu, Tehsil Jaitaran, District Beawar (Respondent No. 3), in issuing notices and passing orders under Section 91 of Act of 1956.

2.1 Petitioners are stated to be residents of Village Falka, Tehsil Jaitaran, and claim to have been in long-standing possession of land bearing Khasra Nos. 996, 998, 999, 1001, 1030, 1049/1135, 1054, 1065, 1140, 1146, 1147, 1148, 1149, 1150, and 1194, upon which they have constructed their residential houses. In support of this claim, petitioners have placed on record documents such as photographs of their houses, electricity bills, ration cards, and other relevant materials.

2.2 The challenge to actions of Respondent No. 3 is primarily founded on the ground that entire proceedings under Section 91 of Act of 1956 were carried out in a mechanical and pre-determined manner. It is contended that final orders were passed without affording petitioners a proper opportunity of hearing, and



that proceedings were conducted in contravention of the mandate and procedure prescribed under Section 91 of Act of 1956.

2.3 In view of the fact that similar notices and orders have been issued against all petitioners on the same date and that the grounds of challenge are identical, this Court considers it appropriate to adjudicate and dispose of the present bunch of writ petitions by way of this common order.

2.4 For the sake of brevity and convenience, facts of S.B. Civil Writ Petition No. 9221/2026 are taken into consideration.

Petitioner's Submissions

3. Learned counsel for petitioner submits that petitioner has been residing with his family in a residential house constructed over land bearing Khasra No. 1194 for the past several decades. In support of this assertion, petitioner has placed on record photographs of the house as well as electricity bills for the preceding several years. It is further submitted that although the land in question is recorded as *Agore/Gochar* land, it has not been utilized for such purposes for many years, and several residential houses have come to be constructed thereon owing to the non-extension of village *abadi* area.

3.1 It was stated that State Government has, from time to time, taken policy decisions and issued circulars for setting apart Gochar land and for extension of *abadi* area. In support of this contention, reliance has been placed on policy decisions dated 27.12.2021 (Annexure-5) and 26.05.2025 (Annexure-6), as well as orders dated 26.11.2024 and 07.11.2024 (Annexure-7). Further reliance has been placed on various orders passed in compliance with the said policy decisions/circulars, wherein extension of *abadi* has



been approved while the remaining land has been set apart as *khatedari* land (Annexure-8).

3.2 Learned counsel contended that Respondent No. 3 issued impugned notice dated 05.03.2026 under Section 91, treating petitioner as a trespasser and directing him to appear on 16.03.2026, with a stipulation that in the event of non-appearance, an order of eviction would be passed along with imposition of penalty.

3.3 Learned counsel submitted that on 16.03.2026, petitioner appeared through counsel before Respondent No. 3 and sought time to file a reply to the notice dated 05.03.2026. It is stated that said request was not declined, and therefore petitioner remained under bona fide belief that time would be granted. However, on the very same day, eviction orders came to be passed, behind back of the petitioners.

3.4 It was contended that, to petitioner's surprise, he came to learn of an order dated 06.04.2026 (Annexure-9) issued by Tehsildar, Jaitaran, whereby directions were given for removal of encroachments from common/government land of Village Falka. By the said order, Committee was also constituted for removal of encroachments with the assistance of local administration and police authorities.

3.5 Learned counsel further submitted that said eviction order dated 16.03.2026 was never served upon the petitioner. It was argued that said order has been passed in violation of principles of natural justice, inasmuch as, despite petitioner's appearance and request for time to file a reply, eviction order was issued without adhering to procedure prescribed under Section 91. Learned



counsel relied upon judgment dated 06.05.2025 passed by this Court in **S.B.C.W.P. No. 7506/2025** titled ***Kishan Lal Vs. State of Rajasthan & Ors.***

Respondent's Submissions

4. *Au contraire*, learned counsel for respondents, Mr. S.R. Paliwal, G.C., has raised a preliminary objection as to the maintainability of present writ petition, contending that the same is not maintainable against a notice issued under Section 91 of Act of 1956. It is further submitted that since an eviction order passed under Section 91 is appealable, present writ petition is not maintainable in view of the availability of an alternative statutory remedy.

4.1 Upon instructions of this Court, learned counsel for respondents produced order-sheet dated 16.03.2026, which reflects that petitioner or his representative was present before Respondent No. 3. However, said order-sheet does not record whether any request for adjournment was made, nor does it indicate whether such a request was accepted or rejected. Notwithstanding the same, final order of eviction under Section 91 came to be passed on that very date.

Analysis and Reasoning

5. Heard learned counsel for parties and perused the material available on record.

6. This Court is conscious of settled legal position that a writ petition challenging notice issued under Section 91 of Act of 1956 is not maintainable and that parties are required to appear before competent authority, submit their defence, if any, and raise all available grounds of objection before such authority. Even with



regard to challenges to orders passed under Section 91, this Court has consistently taken the view that appropriate remedy lies in invoking the statutory right of appeal provided under Act of 1956.

6.1 However, upon careful perusal of record of the present case, it is found that notices were issued to petitioners calling upon them to appear on 16.03.2026, pursuant to which, petitioners appeared before Respondent No. 3 on the said date and are stated to have sought time to file their reply. However, said order-sheet does not reflect any rejection of such request, yet a final order of eviction was passed on the very same day, without affording an effective opportunity of hearing to the petitioners. The order-sheet maintained by Respondent No. 3 in Case No. 132/2026 (Sub Tehsildar, Anandpur, Kalu vs. Shyam Lal S/o Nathu Ram), as supplied by learned counsel for respondent-State and taken on record by this Court, is reproduced hereinbelow for ready reference:

“पटवारी हल्का फालका ने रिपोर्ट की है कि श्री श्यामलाल पुत्र श्री नाथुराम जाति प्रजापत निवासी फालका ने सरहद मौजा फालका में ख.नं. 1001 रकबा 0.0323 किस्म गैर मुमकिन आगौर पर सम्वत 2082 में नाजायज तौर पर कब्जा/काश्त किया है। अतः धारा 91 रा.ले.रे. एक्ट 1956 के तहत अप्रार्थी के विरुद्ध प्रकरण दर्ज रजिस्टर किया जावें।

अप्रार्थी को जवाब के लिए जरिये नोटिस तलब किया जाकर पत्रावली दिनांक 16 मार्च 2026 बमुकाम उपतहसील आनन्दपुर कालू को पेश हो।

तहसीलदार, आ. कालू

पत्रावली पेश हुई

गे.सा. अनुपस्थित/उपस्थित। पटवारी हल्का की रिपोर्ट अनुसार गैर सायल ने ग्राम के ख.नं. 1001 रकबा 0.0323 किस्म गै.मु. आगौर पर अतिक्रमण किया है। पत्रावली का अवलोकन किया गया। गैरसायल का कब्जा नियमन की श्रेणी में नहीं आता है।



अतः गैर सायल को अतिक्रमी घोषित किया जाकर भूमि के लगान 0.12 का 50 गुणा 50 अक्षरे 50/- रुपये बतौर जुर्माना अधिरोपित किया जाता है। पटवारी हल्का को आदेश दिया जाता है कि वह अतिक्रमी को अतिक्रमित भू भाग से भौतिक रूप से बेदखल करे। पटवारी हल्का को वसूली एवं तहसील राजस्व लेखाकार को मांग कायमी हेतु तहरीर जारी हो। पत्रावली फ़ैसल शुमार होकर दाखिल दफ़्तर हो।

उपतहसीलदार

आनन्दपुर कालू”

6.2 A perusal of said order-sheet clearly fortifies the contention advanced on behalf of petitioners that the entire exercise has been conducted by Respondent No. 3 in a pre-determined manner and that the opportunity of hearing said to be extended was nothing more than a mere formality. Although the presence of petitioners has been recorded, Respondent No. 3 has not even deemed it necessary to record any submissions made on their behalf.

The manner in which the proceedings in question have been undertaken clearly indicates that mandate of Section 91 of Act of 1956 has not been adhered to and reveals a blatant violation of fundamental principles of natural justice in the present case.

6.3 This Court is of considered opinion that a constitutional court cannot remain a silent spectator where the authority has acted in an arbitrary, mechanical, and pre-determined manner, in clear violation of the principles of natural justice and in complete disregard of the procedure prescribed under Section 91.

6.4 Legal position regarding the exercise of writ jurisdiction, even in cases where an alternative efficacious remedy is available, is well settled. Hon'ble Apex Court has consistently held that where an order is passed without jurisdiction or in violation of the principles of natural justice, existence of an alternative remedy



does not operate as a bar to the exercise of powers by the High Courts under their writ jurisdiction.

6.5 Hon'ble Apex Court in ***Harbanslal Sahnia v. Indian Oil Corpn. Ltd., (2003) 2 SCC 107*** held that rule of alternative remedy is a rule of discretion and not one of compulsion. Relevant paragraph is reproduced herein below:

"7. So far as the view taken by the High Court that the remedy by way of recourse to arbitration clause was available to the appellants and therefore the writ petition filed by the appellants was liable to be dismissed is concerned, suffice it to observe that the rule of exclusion of writ jurisdiction by availability of an alternative remedy is a rule of discretion and not one of compulsion. In an appropriate case, in spite of availability of the alternative remedy, the High Court may still exercise its writ jurisdiction in at least three contingencies: (i) where the writ petition seeks enforcement of any of the fundamental rights; (ii) where there is failure of principles of natural justice; or (iii) where the orders or proceedings are wholly without jurisdiction or the vires of an Act is challenged. (See Whirlpool Corpn. v. Registrar of Trade Marks [(1998) 8 SCC 1].) The present case attracts applicability of the first two contingencies. Moreover, as noted, the petitioners' dealership, which is their bread and butter, came to be terminated for an irrelevant and non-existent cause. In such circumstances, we feel that the appellants should have been allowed relief by the High Court itself instead of driving them to the need of initiating arbitration proceedings."

6.6 Therefore, in view of settled legal position and facts of the present case, preliminary objection raised by learned counsel for respondents regarding the maintainability of present writ petition on the ground of non-exhaustion of alternative statutory remedy cannot be sustained. While this Court has consistently held that parties should ordinarily be relegated to statutory remedy available under Act of 1956, such a course is predicated on the



assumption that procedure established by law has been duly followed. It would, therefore, defeat the ends of justice to compel the parties to avail such remedy when it is evident that power to order eviction, impacting settled possession has been exercised in a casual, cursory, and mechanical manner.

7. Section 91 of Act of 1956 embodies a well-defined, specific, and structured procedural framework that is required to be strictly adhered to by the competent authority. The provision does not merely confer power to evict but simultaneously circumscribes the manner in which such power is to be exercised. For ready reference, Section 91 is reproduced hereunder:

"91. Unauthorised Occupation of Land - (1) Any person who occupies or continues to occupy any land without lawful authority shall be regarded as a trespasser and may be summarily evicted therefrom by the Tehsildar any time of his motion or upon the application of a local authority at whose disposal such land has been placed; and any crop standing, or any building or other construction erected, or anything deposited, on such land shall, if not removed within such reasonable time as the Tehsildar may from time to time fix for the purpose, be liable to be forfeited to the State and to be disposed of in the case of any such crop, in the manner he thinks fit and in other cases, as the Collector may direct :Provided that the Tehsildar may in lieu of ordering the forfeiture of any such building or other construction, order the demolition of the whole or any part thereof.

(2) Such trespasser shall further be liable to pay for each agricultural year during the whole or any part whereof he has been in such unauthorised occupation of the land, a penalty which may extend to fifty times the annual rent, or assessment, as the case may be, for the first act of trespass. In the case of each subsequent act of trespass,



he shall, by the order of the Tehsildar, be liable to commitment to civil prison for a term which may extend to three months and to pay penalty to the extent as aforesaid. The amount of such penalty shall be recovered as an arrear of land revenue, and}

(3) Where the trespasser ordered to be committed to civil prison under sub-section (2) satisfies the Tehsildar by whom he is ordered to be committed to civil prison that he intends to present an appeal, the Tehsildar shall order that such trespasser be released on his own bond, for such period as will afford him sufficient time to present the appeal and obtain stay order from the Appellate Court and such order shall, so long as he is so released on bond, be deemed to be suspended.

(3-A) **Before taking proceedings for eviction under sub-section (2) the Tehsildar shall cause to be served in the prescribed manner on the person reported to be occupying or continuing to occupy land without lawful authority, a notice specifying such land and selling on him by a certain date either to vacate such land or to appear and show-cause why he should not be so evicted therefrom.**

(4) **In any of the following cases, namely -**

(i) **where the trespasser does neither vacate the land nor make appearance in response to the notice issued under sub-section (3), or**

(ii) **where in response to such notice, the trespasser does not vacate the land and makes appearance but -**

(a) **does not show any such cause, or**

(b) **makes any representation which is rejected after such inquiry and hearing as may be necessary in the circumstances of the case, the Tehsildar shall, unless, in the case covered by clause (ii), the trespasser undertakes to vacate the land within a week's time and vacates it within such time, order the removal of the trespasser from such land and shall remove, or depute any person, to remove him therefrom and take a possession thereof; and if the**



Tehsildar or the person so deputed is opposed or impeded in taking possession of such land, the Tehsildar shall apply to Magistrate having jurisdiction and such Magistrate shall enforce the surrender of the land to the Tehsildar.

(5) Notwithstanding anything contained in the foregoing sub-section, the Tehsildar may, in case any such land belong to the category specified in clause (ii) of the proviso to section 97, sell it, with the approval of the Sub-Divisional Officer, to the trespasser upon payment by him of the premium therefor at the rate fixed under section 96 and applicable to such land in addition to the assessment and penalty recoverable from him under sub-section (2) in respect of the whole period of unlawful occupation.

(6) Notwithstanding anything contained in sub-section. (2)-

(a) whoever occupies any land without lawful authority or, having occupied such land before coming into force of the Rajasthan Land Revenue (Amendment) Act, 1992, fails to remove such occupation within fifteen days from the date of a notice in writing calling upon him to do so by the Tehsildar shall, on conviction, be punished with simple imprisonment which shall not be less than one month but which may extend to three years and with fine which may extend to twenty thousand rupees; and

(b) whoever, being an employer of the State Government specifically entrusted by an order of the Collector in writing with the duty to stop or prevent an offence punishable under this sub-section wilfully or knowingly neglects or deliberately omits to stop or prevent such offence, shall, on conviction, be punished with simple imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both:

Provided that, in the case of an offence under clause (a), the Court may for any adequate or special reason to be mentioned in the judgment impose a sentence of imprisonment for a term of less than one month:



Provided also that no investigation of an offence under clause (a) of this sub-section shall be made by an officer below the rank of a Deputy Superintendent of Police:

Provided further that no court shall take cognizance of an offence under Clause (b) except with the previous sanction of the Collector."

7.1 This Court is of considered opinion that impugned order fails to reflect due compliance with the principles of natural justice. Notably, Section 91 underwent amendment by way of Amendment Act No. 4 of 1976, whereby sub-section (3A) came to be inserted. The said provision lays down a comprehensive procedure for issuance of notice to the alleged trespasser and for affording him a meaningful opportunity of hearing. Further, sub-section (4) clearly stipulates that an order of eviction can be passed only upon the failure of the alleged trespasser to show cause, or where the representation submitted by him, after such inquiry as may be considered necessary, stands rejected.

7.2 In the present case, Respondent No. 4 has recorded the petitioner as a trespasser, but has failed to record any submissions made on behalf of the petitioner or to indicate any reasons for rejecting the same. The impugned order dated 16.03.2026 is conspicuously silent with regard to compliance with sub-sections (3A) and (4) of Section 91. The manner in which the impugned order has been passed clearly demonstrates that the issuance of initial notice was reduced to a mere formality and that no real or effective opportunity of hearing or defence was afforded to petitioners.

7.3 Although the eviction orders passed by Respondent No. 3 were not placed on record by petitioners on the ground that the



same were allegedly passed behind their back and without being furnished to them, learned counsel for respondents fairly stated at the Bar that all such eviction orders were passed on 16.03.2026 in a similar manner.

7.4 The law with respect to adherence to the principles of natural justice is well settled. These foundational principles are required to be observed in all proceedings, be they quasi-judicial, administrative, or even summary in nature, that entail adverse civil consequences for any party. Any departure from, or violation of, these cardinal principles strikes at the root of decision-making process and renders the proceedings, as well as resultant orders, legally unsustainable.

7.5 Hon'ble Apex Court in **CCT v. Shukla & Bros., (2010) 4 SCC 785** stressed that before passing an adverse order, affected party should be given an opportunity of hearing. Relevant paragraph is reproduced herein below:

"14. The principle of natural justice has twin ingredients; firstly, the person who is likely to be adversely affected by the action of the authorities should be given notice to show cause thereof and granted an opportunity of hearing and secondly, the orders so passed by the authorities should give reason for arriving at any conclusion showing proper application of mind. Violation of either of them could in the given facts and circumstances of the case, vitiate the order itself. Such rule being applicable to the administrative authorities certainly requires that the judgment of the court should meet with this requirement with higher degree of satisfaction. The order of an administrative authority may not provide reasons like a judgment but the order must be supported by the reasons of rationality. The distinction between passing of an order by an administrative or quasi-judicial authority has practically extinguished and both are required to pass reasoned orders."



7.6 It thus emerges that the principle of natural justice contemplates not merely issuance of a show-cause notice, but also meaningful consideration of the reply/response submitted by the aggrieved party and, wherever necessary, conduct of an inquiry before taking a final decision. Even in expedited/summary proceedings, it becomes the bounden duty of authorities concerned to afford the affected parties a meaningful opportunity of hearing, ensure due consideration of their submissions, and reflect proper application of mind in the decision-making process. Any departure from these foundational requirements renders the impugned action susceptible to judicial scrutiny.

7.7 Additionally, this Hon'ble High Court in ***S.B. Civil Writ Petition No. 10761/2025; Suresh Kumar & Ors. v State of Rajasthan & Ors.*** categorically held that proceedings undertaken under Section 91, without affording any opportunity of hearing to affected parties, are in clear violation of the principles of natural justice and are, therefore, vitiated in law. Relevant paragraphs are reproduced herein below:

"6. Considering the argument put forward by learned counsel for the petitioners and looking to the fact that as per the notice dated 23.05.2024 issued to the petitioners under Section 91 of the Act of 1956, the petitioners were supposed to appear before the Sub- Tehsildar on 19.06.2024, but a day before, i.e., on 18.06.2024, the order impugned has been passed, without affording any opportunity of hearing to the petitioner, which has resulted in violation of the principles of natural justice.

7. It is settled proposition of law that before passing any adverse order against a person, at least an opportunity is required to be given, but herein the instant case, such opportunity has not been provided to the petitioners and straightaway, the order



impugned has been passed which has violated the principles of natural justice.

8. On this count alone, the impugned order dated 18.06.2024 passed by the Sub-Tehsildar, Singhana is not sustained and is liable to be and is hereby quashed and set-aside. The matter is remitted to the Sub-Tehsildar to decide the same afresh, after providing due opportunity of hearing to the petitioner."

7.8 In this regard, reliance placed by petitioner on judgment in the case of ***Kishan Lal*** (supra) is absolutely relevant wherein it has been observed as under :

"1.

2.

3. It was contended that on learning about the notices, the petitioners did appear before the respondent No.5 and prayed for some time to file reply, but no accommodation was granted by the respondent No.5. He added that by the impugned orders petitioners have been held to be encroachers.

4. Mr. Yogesh Sharma, learned counsel for the respondent – State on the other hand submitted that the petitioners have directly rushed to this Court against the orders passed by the respondent No.5 by passing the efficacious remedy of appeal available under the provisions of the Act of 1956.

5. Heard learned counsel for the parties and perused the record.

6. ***True it is, that a remedy of appeal has been provided against the orders impugned passed by the respondent No.5, but considering the fact that neither notices were properly served upon the petitioners nor were they granted due opportunity to file reply and put forth their case, instead of relegating the petitioners to avail the remedy under the provisions of the Act of 1956, this Court deems it expedient to quash the orders dated 26.03.2025 and grant the petitioners a reasonable opportunity to file reply.***

7. The impugned orders dated 26.03.2025 passed by the respondent No.5 being contrary to principles of natural justice and violative of Articles 14, 19 and 300A of the Constitution of India are, therefore, quashed."

8. It is also a settled principle of law that where a statute lays down a particular manner for doing a thing, it must be performed strictly in that manner alone and not otherwise. The requirement



of following the prescribed procedure is a substantive safeguard intended to ensure fairness, transparency and accountability in decision-making. Any deviation from such statutory mandate renders the action vulnerable to challenge, particularly where it results in civil consequences such as eviction from land.

8.1 The Hon'ble Apex Court in ***Competent Authority v. Barangore Jute Factory, (2005) 13 SCC 477*** reiterated the said settled position of law. Relevant paragraph is reproduced herein below:

*"5. ***** So far as the question whether the impugned notification meets the requirement of Section 3-A(1) of the Act regarding giving brief description of land is concerned, we have already shown that even though plot numbers of lands in respect of each mouza are given, different pieces of land are acquired either as whole or in part. Wherever the acquisition is of a portion of a bigger piece of land, there is no description as to which portion was being acquired. Unless it is known as to which portion was to be acquired, the petitioners would be unable to understand the impact of acquisition or to raise any objection about user of the acquired land for the purposes specified under the Act or to make a claim for compensation. **It is settled law that where a statute requires a particular act to be done in a particular manner, the act has to be done in that manner alone. Every word of the statute has to be given its due meaning.** In our view, the impugned notification fails to meet the statutory mandate. It is vague. The least that is required in such cases is that the acquisition notification should let the person whose land is sought to be acquired know what he is going to lose. The impugned notification in this case is, therefore, not in accordance with the law."*

8.2 Impugned action, viewed in the aforesaid backdrop, also falls foul of Articles 14 of Constitution of India. Article 14 strikes against arbitrariness in State action and mandates that any procedure affecting rights must be just, fair, and reasonable. The mechanical and pre-determined manner in which the proceedings have been conducted, without affording an effective opportunity of



hearing or adhering to the prescribed statutory procedure, renders the action manifestly arbitrary and thus violative of Article 14.

8.3 Hon'ble Apex Court in ***Union of India v. Tulsiram Patel (1985) 3 SCC 398*** held that any state action in violation of principles of natural justice, also infringes upon Article 14.

Relevant paragraph is reproduced herein below:

*"95. The principles of natural justice have thus come to be recognized as being a part of the guarantee contained in Article 14 because of the new and dynamic interpretation given by this Court to the concept of equality which is the subject-matter of that article. **Shortly put, the syllogism runs thus: violation of a rule of natural justice results in arbitrariness which is the same as discrimination; where discrimination is the result of State action, it is a violation of Article 14: therefore, a violation of a principle of natural justice by a State action is a violation of Article 14.** Article 14, however, is not the sole repository of the principles of natural justice. What it does is to guarantee that any law or State action violating them will be struck down. The principles of natural justice, however, apply not only to legislation and State action but also where any tribunal, authority or body of men, not coming within the definition of State in Article 12, is charged with the duty of deciding a matter. In such a case, the principles of natural justice require that it must decide such matter fairly and impartially."*

9. This Court finds that although Section 91 contemplates eviction from government land through summary proceedings, compliance with the principles of natural justice remains a sine qua non in all such actions. The summary nature of the proceedings cannot be construed as a justification to dispense with fairness or procedural safeguards.

9.1 Hon'ble Apex Court in ***Charan Dass Duggal v. Brahma Nand, (1983) 1 SCC 301*** held that requirement of following summary procedure does not vest the authority with an unfettered or arbitrary power to summarily dismiss a matter and an opportunity of hearing must be given before passing an order



entailing civil consequences. Relevant paragraph is reproduced herein below:

"7. The genesis of our procedural laws is to be traced to principles of natural justice, the principal amongst them being that no one shall suffer civil or evil or pecuniary consequence at his back without giving him an adequate and effective opportunity to participate to disprove the case against him and prove his own case. Summary procedure does not clothe an authority with power to enjoy summary dismissal. Undoubtedly wholly frivolous defence may not entitle a person leave to defend. **"***

9.2 Therefore, impugned eviction orders dated 16.03.2026 and public notice dated 06.04.2026, stand vitiated for having been passed in clear violation of the principles of natural justice so also in violation of procedure prescribed under Section 91 of the Act of 1956. The failure to afford a meaningful opportunity of hearing and to adhere to the minimum procedural safeguards renders the action legally unsustainable.

Conclusion:-

10. In view of the aforesaid reasoning and judicial pronouncements, present writ petitions are hereby, **allowed**. Impugned orders of eviction dated 16.03.2026 passed against petitioners are hereby quashed and set aside. The matters are remanded back to the Court of Sub Tehsildar, Anandpur, Kalu – respondent No.3 with a direction to restore the cases to their original numbers.

10.1 Respondent No.3 is directed to initiate the proceedings afresh and to decide the same after granting due opportunity of hearing and strictly following the procedure prescribed under



Section 91. The consequential order dated 06.04.2026 is also quashed and set aside.

10.2 Respondents are restrained from taking coercive action against the petitioners until the proceedings under Section 91 are finally decided afresh by the competent authority.

10.3 It is made clear that the interference in the present case is solely on account of the manner in which the proceedings were conducted. Respondent no. 3 shall be at liberty to consider and decide the matter afresh strictly in accordance with law without being influenced any observation made herein.

Additional directions :-

11. Before parting, this Court has also taken note of several instances where orders passed by revenue authorities under Section 91 of Act of 1956 reflect non-compliance with the prescribed statutory procedure, particularly the mandate contained in sub-sections (3A) and (4), which require issuance of proper notice and grant of an effective opportunity of hearing. In a number of such cases, affected parties have approached this Court directly by way of writ petitions, seeking exemption from availing the statutory remedy of appeal on the ground that the impugned actions are vitiated by violation of principles of natural justice.

11.1 This Court is of considered view that such avoidable litigation places an unnecessary burden on both the litigants and the judicial system. It can be substantially curtailed if revenue authorities discharge their functions with due care, fairness, and adherence to the statutory framework. Strict compliance with the procedure prescribed under Section 91, coupled with observance of the principles of natural justice, would not only ensure legality



of the orders passed but also instill confidence in the administrative process and reduce unwarranted recourse to writ jurisdiction.

11.2 In the aforesaid backdrop, this Court considers it both necessary and appropriate to direct the Principal Secretary, Revenue & Colonization Department, Rajasthan to take due cognizance of observations recorded in the present matter. The Principal Secretary shall, accordingly, issue comprehensive and clear instructions / guidelines / circular to all subordinate authorities delineating the procedure, manner, and methodology to be followed while conducting the proceedings under Section 91. Such instructions shall also expressly incorporate mandatory requirements of law, including adherence to principles of natural justice, transparency and fairness, to be observed.

11.3 The Principal Secretary, Revenue & Colonization Department, Rajasthan is further expected to ensure strict and uniform compliance of these directions across all levels of the Department. The instructions / guidelines shall also provide that any lapse on the part of the concerned officials would invite proportionate administrative action so as to deter recurrence of such practices. A copy of this order be sent to Principal Secretary, Revenue & Colonization Department, Government of Rajasthan, Secretariat, Jaipur for necessary compliance.

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

(SANJEET PUROHIT),J