



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

D.B. Civil Writ Petition No. 9331/2025

1. Nandlal Banjara S/o Bihari Lal, Aged About 44 Years, R/o Purani Basti, Kheraiya, Bhilwara, Rajasthan.
2. Gopal Banjara S/o Bhawana Banjara, Aged About 40 Years, R/o Maandol, Bhilwara, Rajasthan.
3. Chitar S/o Chhoga Ji, Aged About 39 Years, R/o Bheel Basti, Maandol, Bhopatpura, Bhilwara, Rajasthan.
4. Ramswaroop Meena S/o Dola Meena, Aged About 40 Years, Maandol, Bhopatpura, Bhilwara, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Joint Secretary, Department Of Revenue, Secretariat, Government Of Rajasthan, Jaipur (Raj.).
2. State Of Rajasthan, Through Secretary, Department Of Local Self Government, Secretariat, Government Of Rajasthan, Jaipur (Raj.).
3. The District Collector, District Bhilwara, Rajasthan.
4. The Tehsildar, Bijauliyaan, Bhilwara, Rajasthan.
5. The Sub Divisional Officer, Bijauliyaan, Bhilwara, Rajasthan.
6. The Executive Officer, Municipal Council Bijauliyaan, Bhilwara, Rajasthan.
7. The Gram Panchayat, Bhopatpura, Bhilwara, Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Dinesh Kumar Godara
For Respondent(s) : Mr. Rajesh Panwar, Sr. Adv & AAG
assisted by Mr. Ayush Gehlot

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH**

Judgment

1. Date of conclusion of arguments	13.01.2026
2. Date on which judgment was reserved	13.01.2026



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

Full Judgment

4. Date of pronouncement

24.02.2026

Per Hon'ble Dr. Pushpendra Singh Bhati, J:

1. The present writ petition under Article 226 of the Constitution of India has been preferred assailing the inclusion of Village Maandol within the extended limits of Municipal Council, Bijauliya, pursuant to notifications dated 17.03.2025 and 27.03.2025 issued under the Rajasthan Municipalities Act, 2009.

2. The principal grievance of the petitioners is that Village Maandol was not expressly named in the parent notification dated 18.09.2024 whereby certain adjoining Gram Panchayats were included within the municipal limits, and therefore its subsequent inclusion is without authority of law.

3. The petitioners have preferred the instant writ petition claiming the following reliefs:

"It is, therefore, humbly and respectfully prayed that this writ petition of the Petitioners may kindly be allowed:

A. By an appropriate order or direction, the notification dated 17.03.2025 (Ann 08) order dated 27.03.2025 (Ann 15) for the inclusion of village Maandol in the extension of limits of Municipal Council Bijauliyaan may be held illegal, arbitrary and unconstitutional;

B. By an appropriate order or direction, the proceedings initiated in pursuance of order dated 18.09.2024 (Ann 1) qua village Maandol for the inclusion in Municipal Council, Bijauliyaan may be held illegal, arbitrary and unconstitutional.

C. Writ Petition filed by the petitioners may kindly be allowed with costs."

4. The brief facts of the present controversy are that by notification dated 18.09.2024, the State Government extended the limits of Bijauliya Municipal Council by adding four adjoining



Gram Panchayats, namely, Bijoloya, Thadoda, Umajikheda and Laxmikheda, subject to the conditions of contiguity and non-prejudice to residents. Village Maandol was not mentioned in the said notification.

4.1. On 27.12.2024 and 30.12.2024, the Executive Officer initiated correspondence with the revenue authorities, sought land records, and indicated that public notices had been issued with no objections received. On 07.01.2025, a communication to the Rajasthan Land Records Modernization Society stated that Village Maandol, being part of Gram Panchayat Laxmikheda, would fall within the municipal limits upon mapping. This was followed by a letter dated 13.02.2025 to the SDO reiterating the same position.

4.2. Subsequently, by notification dated 17.03.2025, Village Maandol was formally included within the municipal limits. The District Collector, on 18.03.2025, marked Maandol within Gram Panchayat Laxmikheda for the purpose of extension, and the SDO initiated delimitation and ward enhancement on 19.03.2025. A final notification dated 27.03.2025 declared the revised limits and invited objections for 21 days, which, according to the petitioners, were not duly considered.

4.3. The dispute thus, concerns the legality of including Village Maandol within the Bijauliya Municipal Council limits despite its absence from the original notification and the alleged non-consideration of objections.

5. Mr. Dinesh Kumar Godara, learned counsel for the petitioner submitted that the inclusion of Village Maandol within the limits of Bijauliya Municipal Council is not traceable to the parent notification dated 18.09.2024, which specifically identified only



four Gram Panchayats for extension subject to stipulated conditions. Since Village Maandol was not expressly mentioned, its subsequent inclusion required an independent satisfaction of the prescribed conditions and a lawful exercise of power under the governing statutory framework, which is absent in the present case.

5.1. Learned counsel further submitted that the mandatory conditions of geographical contiguity without barrier and absence of adverse impact on residents were not examined specifically with respect to Village Maandol. The respondents proceeded solely on the premise that Maandol forms part of Gram Panchayat Laxmikheda, without demonstrating a separate application of mind to the village as a distinct habitation affected by the extension.

5.2. Learned counsel submitted that the administrative steps relating to mapping, land records transfer, and correspondence preceded any formal determination under law, indicating that the decision-making process was undertaken in reverse order, thereby undermining the statutory safeguards intended to precede such inclusion.

5.3. Learned counsel submitted that the subsequent notification dated 17.03.2025, the Collector's order dated 18.03.2025, and the delimitation process culminating on 27.03.2025 are consequential actions founded upon an inclusion made without prior lawful satisfaction. The opportunity for objections, though formally granted, was rendered ineffective as the essential decision had already been operationalized.

6. *Per Contra*, Mr. Rajesh Panwar, AAG assisted by Mr. Ayush Gehlot, learned counsel appearing on behalf of the respondents



submitted that the extension of municipal limits is a matter of State policy undertaken in public interest, keeping in view urban development, governance requirements, and demographic considerations, and such exercise of statutory power warrants limited judicial review unless shown to be manifestly arbitrary or contrary to the parent statute.

6.1. Learned counsel submitted that by notification dated 18.09.2024, the State Government validly included Gram Panchayat Laxmikheda within the extended limits of Bijauliya Municipal Council. Since Village Maandol forms part of the territorial unit of Gram Panchayat Laxmikheda, its inclusion followed as a natural and consequential effect of the inclusion of the Panchayat, subject to completion of the statutory process.

6.2. Learned counsel further submitted that the conditions of contiguity and non-prejudice to residents were examined at the level of the notified territorial unit, namely the Gram Panchayat, which is the relevant unit of consideration under the statutory scheme, and no separate village-wise determination is contemplated once the Panchayat stands included.

6.3. Learned counsel submitted that the State Government exercised powers traceable to Sections 3 and 30 of the Rajasthan Municipalities Act, 2009, including the authority to alter municipal limits by inclusion of any local area, and the impugned action falls squarely within the ambit of such statutory empowerment.

6.4. Learned counsel submitted that the subsequent steps, including mapping, requisition of revenue records, notification dated 17.03.2025, the Collector's order dated 18.03.2025, and delimitation notification dated 27.03.2025, constitute procedural



and consequential measures undertaken to operationalize the extension and to implement the decision already taken in principle.

6.5. Learned counsel submitted that public notices were issued and objections invited in accordance with law, and the petitioners either failed to avail the opportunity effectively or did not demonstrate any legally sustainable prejudice, and therefore cannot assail the completed process at a belated stage.

6.6. Learned counsel lastly submitted that the challenge, in substance, relates to delimitation and alteration of municipal areas, and in view of the constitutional bar under Article 243ZG of the Constitution of India, interference by this Hon'ble Court is circumscribed.

6.7. Learned counsel relied on the judgment given by this Court in the case of ***Motan Das & Ors. Vs The State of Rajasthan & Ors. (D.B. Civil Writ Petition No. 20142/2024, decided on 28.02.2025)***.

7. Learned counsel for the parties were heard at length, and the pleadings, documents, and material placed on record, including the impugned notifications and communications, have been carefully perused, along with due consideration of the statutory as well as constitutional framework governing alteration of municipal limits under the Rajasthan Municipalities Act, 2009.

8. The present writ petition calls in question the legality of the inclusion of Village Maandol within the extended limits of Municipal Council, Bijauliya pursuant to notifications issued under the Rajasthan Municipalities Act, 2009, primarily on the grounds that:



- (i) the said village was not expressly named in the parent notification dated 18.09.2024; and
- (ii) the subsequent steps culminating in delimitation and ward reorganisation are without authority of law.

9. This Court also observes that a preliminary objection has been raised on behalf of the respondents regarding the maintainability of the present writ petition in view of Article 243ZG of the Constitution of India.

9.1. This Court observes that the bar contained in Article 243ZG operates in matters relating to municipal elections, particularly with respect to delimitation of constituencies or allotment of seats once the electoral process has commenced.

9.1.1. The present challenge, however, pertains to the alteration of municipal limits and inclusion of a territorial area within a municipality in exercise of statutory power under the Rajasthan Municipalities Act, 2009, which is anterior to and distinct from electoral delimitation undertaken for the purpose of municipal elections.

9.1.2. It is clarified that the delimitation referred to in the impugned notifications pertains to administrative alignment of municipal boundaries and wards consequent to alteration of limits, and not to electoral delimitation undertaken for the conduct of municipal elections.

9.2. The material available on record does not indicate that any election process had commenced on the basis of the impugned delimitation at the time of institution of the writ petition.

9.3. This Court, therefore, observes that the challenge is directed against the legality of alteration of municipal boundaries and not



against the conduct of elections, and consequently the constitutional bar under Article 243ZG does not operate to preclude judicial review in the present matter.

10. This Court further observes that the power to declare, include, exclude, or otherwise alter municipal limits is traceable to Section 3 of the Rajasthan Municipalities Act, 2009.

10.1. Section 3 of the Act reads as under:

"3. Delimitation of Municipalities. - (1) The State Government may, by notification published in the Official Gazette, declare any local area not included within the limits of a Municipality to be a Municipality, or include any such area in a Municipality, or exclude any local area from a Municipality, or otherwise alter the limits of any Municipality and when..."

"(10) Save as otherwise provided in this Section its provisions shall have effect notwithstanding anything contained in this Act or in the Rajasthan Panchayati Raj Act, 1994 (Act No.13 of 1994) or any other law for the time being in force."

10.2. This Court observes that the aforesaid provision authorizes the State Government, by notification published in the Official Gazette, to include any local area within a municipality, exclude any area therefrom, or otherwise alter municipal limits. It further accords overriding effect to such action, notwithstanding anything inconsistent contained in the Act, the Rajasthan Panchayati Raj Act, 1994, or any other law for the time being in force.

10.3. This Court acknowledges that the nature of the power exercised under the aforesaid provision stands settled by the Hon'ble Supreme Court in ***State of Rajasthan v. Ashok Khetoliya, (2022) 12 SCC 185***, wherein it has been held to be



legislative in character, involving policy considerations relating to urban planning, governance, and administrative convenience. The relevant portion reads:

*"...The power of the State Government to make a declaration under Section 3 of the Act is legislative in character because the application of the rest of the provisions of the Act to the geographical area which is declared as a town area is dependent upon such declaration. Section 3 of the Act is in the nature of a conditional legislation. Dealing with the nature of functions of a non-judicial authority, Prof. S.A. De Smith in *Judicial Review of Administrative Action* (3rd Edn.) observes at p. 163:*

'However, the analytical classification of a function may be a conclusive factor in excluding the operation of the audi alteram partem rule. It is generally assumed that in English law the making of a subordinate legislative instrument need not be preceded by notice or hearing unless the parent Act so provides.'

9. We are, therefore, of the view that the maxim "audi alteram partem" does not become applicable to the case by necessary implication."

10.4.This Court therefore observes that, in matters relating to alteration of municipal limits, judicial review is confined to examining whether the action is contrary to the statute, patently arbitrary, mala fide, or suffers from procedural non-compliance.

10.5.Learned counsel for the respondents has also placed reliance upon Section 30 of the Rajasthan Municipalities Act, 2009. This Court observes that the power to declare, include, exclude, or otherwise alter municipal limits is substantively traceable to Section 3 of the Act. Section 30 operates in a different field relating to municipal administration and does not detract from the



validity of the impugned action undertaken in exercise of powers under Section 3.

11. This Court further observes that the parent notification dated 18.09.2024, whereby the State Government extended the municipal limits by including certain Gram Panchayats including Laxmikheda, constitutes the legislative decision altering the municipal boundaries.

11.1. The subsequent communications, mapping exercises, requisition of revenue records, orders of the Collector, and notifications dated 17.03.2025 and 27.03.2025 are implementation measures undertaken to operationalize the legislative decision and to effectuate demarcation and administrative alignment of the altered municipal area.

11.2. Such implementation measures, though ancillary to the parent notification, are required to conform to the statutory framework and procedural requirements prescribed under the Act and rules made thereunder. Further, no material has been placed before this Court to demonstrate that the said implementation measures were undertaken in contravention of the statutory scheme.

12. This Court observes that the principal contention of the petitioners is that Village Maandol was not expressly mentioned in the parent *notification dated 18.09.2024* and therefore could not have been included within municipal limits.

12.1. A perusal of the aforesaid notification indicates that the State Government extended the municipal limits by including four Gram Panchayats, including Gram Panchayat Laxmikheda, as territorial units.



12.2. This Court observes that the statutory scheme contemplates inclusion of identifiable territorial “areas”, and a Gram Panchayat constitutes a recognized territorial and administrative unit comprising the villages falling within its jurisdiction. Therefore, inclusion of a Gram Panchayat by name necessarily encompasses all revenue villages forming part of such Panchayat, unless expressly excluded.

12.3. This Court further observes that the statutory framework does not mandate a separate village-wise determination prior to inclusion once an identifiable territorial unit such as a Gram Panchayat is notified. The scheme of the Act contemplates inclusion of territorial areas as administrative units, and therefore separate enumeration of each constituent village is not a condition precedent for validity of the notification.

12.4. This Court is also conscious of the judgment rendered by the Hon’ble Supreme Court in the case of ***Champa Lal v. State of Rajasthan (Civil Appeal No. 4554 of 2018, decided on 26.04.2018)***, wherein it was held that determination of municipal areas must be with reference to identifiable territorial units having regard to relevant parameters. The relevant portion reads:

“7. It is declared under Article 243-Q(2) that the expressions “a transitional area”, “a smaller urban area” and “a larger urban area” (hereinafter collectively referred to as “AREAS”) would mean such areas as may be specified by the Governor by a public notification for the purpose of Part IX-A of the Constitution of India. Article 243-Q(2) further obligates the Governor to have due regard to the various factors mentioned therein before specifying the AREAS i.e. population of the area, the density of the population, the revenue generated in the area for local administration, percentage of



employment in non-agricultural activities, the economic importance or such other factors as he may deem fit.

8. It, therefore, appears from the scheme of Article 243-Q(2) that the Governor is not free to notify "AREAS" in his absolute discretion but is required to fix the parameters necessary to determine whether a particular AREA is a transitional area or a smaller urban area or a larger urban area with due regard to the factors mentioned above. It is implicit that such parameters must be uniform for the entire State. It is only after the determination of the parameters, various municipal bodies contemplated under Article 243-Q(1) could be constituted."

13. This Court further notes that the notification dated 18.09.2024 stipulated conditions of geographical contiguity and absence of prejudice to residents.

13.1.The original record demonstrates that the competent authorities examined contiguity with reference to the notified territorial unit, namely Gram Panchayat Laxmikheda.

13.2.The petitioners have not produced material demonstrating geographical discontinuity or specific prejudice beyond the ordinary consequences of transition from rural to municipal administration. The petitioners have also failed to demonstrate any specific legal prejudice, which by itself cannot constitute a ground for invalidating the legislative decision.

13.3.This Court further observes that the satisfaction regarding the stipulated conditions is required to be recorded with reference to the notified territorial unit, namely the Gram Panchayat as a whole, and not habitation-wise or village-wise within such unit.

13.4.This interpretation is consistent with the legislative character of the power under Section 3 recognized in **Ashok Khetoliya**



(supra) and the constitutional scheme under Part IX-A. The relevant portion reads as under:

"16. Since the local Government falls in Entry 5 of List II of the Seventh Schedule, therefore, it is the State Legislature alone which is competent to legislate in respect of the Municipalities with only one limitation that the provisions of the State Act cannot be inconsistent with the mandate of the scheme of Part IX-A of the Constitution. The scheme of Part IX-A of the Municipalities Act does not contemplate a separate notification under Article 243-Q of the Constitution and thereafter under Section 5 of the Municipalities Act. As Section 5 of the Municipalities Act is not inconsistent with any provisions of Article 243-Q of the Constitution, therefore, two notifications are not contemplated or warranted under the scheme of Part IX-A or the Municipalities Act as reproduced in the table above."

13.5. Accordingly, once satisfaction was recorded regarding inclusion of Gram Panchayat Laxmikheda as a territorial unit, a separate village-wise determination was neither contemplated nor required under the statutory framework.

14. The Division Bench of this Hon'ble Court in **Motan Das & Ors. v. State of Rajasthan & Ors. (D.B. Civil Writ Petition No. 20142/2024)**, decided on 28.02.2025) has reiterated that extension of municipal limits on the basis of identifiable territorial units is a statutory function of the State subject to limited judicial review. The relevant portion reads as under:

"xxx xxx xxx"

19. The power of competent Legislature, i.e., State Legislature in the light of enabling provisions provided in the Constitution with regard to framing of laws concerning Legislature cannot be whittled down by way of restrictive interpretation as contended by the appellants. The State Legislature



in federal set up specially in the matter of local Government are to enable enough seats to adopt the reservation based on local body.

xxx xxx xxx

35. The ratio which can be culled out from the above judgment is that power of the State to legislate within its legislative competence is plenary and the same cannot be curtailed in the absence of an express limitation placed on such power in the Constitution itself."

15. This Court therefore observes that in the present case, the legislature is competent to enact any legislation within its competency and the power of the legislature cannot be whittled down or curtailed in absence of any express provision in that regard. Therefore, the provisions contained in the Act of 1994 and the Act of 2009 are well within the legislative power of the legislature and any administrative/executive action pursuant to the same will also be intra-vires the constitutional scheme and the principles of natural justice."

14.1. This Court observes that the aforesaid principle applies with equal force to the present case.

15. This Court further observes that public notices were issued inviting objections prior to finalisation of boundaries and delimitation.

15.1. The respondents have placed on record that objections received, if any, were considered by the competent authority before issuance of the final notification. The petitioners have not demonstrated that the statutory procedure for inviting objections was violated or that any objections submitted by them were disregarded in a manner amounting to procedural illegality.

16. This Court observes that alteration of municipal limits, being a policy matter involving urban planning, governance, infrastructure, and administrative considerations within the



executive domain, is not amenable to appellate review under Article 226 unless shown to be ultra vires, manifestly arbitrary, mala fide, or procedurally infirm.

17. For the reasons aforesaid, this Court holds that inclusion of Village Maandol within the extended limits of Municipal Council, Bijauliya, as a consequence of inclusion of Gram Panchayat Laxmikheda by the parent notification dated 18.09.2024, is traceable to lawful authority under Section 3 of the Rajasthan Municipalities Act, 2009 and does not suffer from arbitrariness, mala fides, or procedural illegality so as to warrant interference in exercise of writ jurisdiction.

18. Consequently, the writ petition, being devoid of merit, stands ***dismissed***. All pending applications, if any, stand disposed of.

(SANDEEP SHAH),J

(DR.PUSHPENDRA SINGH BHATI),J