

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

D.B. Civil Writ Petition No. 10345/2022

Gram Panchayat Koloo Pabuji, Through Its Sarpanch Smt. Chhota Kanwar W/o Lun Singh, Aged About 36 Years, R/o Village Koloo Pabuji, Tehsil Dechu, District Jodhpur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Panchayati Raj And Rural Development, Government Of Rajasthan, Jaipur
2. The Secretary, Department Of Forest, Government Of Rajasthan, Jaipur
3. The Secretary, Department Of Revenue, Government Of Rajasthan, Jaipur
4. The District Collector, Jodhpur (Raj.).
5. The Tehsildar (Land-Record), Dechu, District Jodhpur (Raj.)

-----Respondents

For Petitioner(s)	:	None Present
For Respondent(s)	:	Mr. Mahaveer Bishnoi, AAG assisted by Mr. Harshvardhan Singh Chundawat

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SANDEEP SHAH**

Order(Oral)

07/05/2026

Per : Arun Monga, J.

1. Petitioner has filed the instant writ petition to protect the public interest seeking following relief:

"(i) By an appropriate writ, order or direction, letter dated 12.07.2022 issued by Tehsildar(Land Record), Dechu, District Jodhpur is order to be declare illegal and order to be quashed and set aside,

(ii) By an appropriate writ, order or direction not to alter the revenue record of khasra no. 427, village Koloo Pabuji, Tehsil

Dechu, District Jodhpur as per direction issued by the Tehsildar (Land-Record), Dechu, District Jodhpur in the interest of public at large of village Koloo Pabuji, Tehsil Dechu, District Jodhpur (Raj.),

(iii) Any other order which is in favour of the petitioner may kindly be passed in the interest of justice.”

2. None appears for the petitioner, as was the case in the first round, and the matter was passed over. Even in the second round, the position remains the same.

3. We have heard learned counsel for the respondents and have perused the case file.

4. The respondents have filed their reply. Stand taken, *inter alia*, by the respondents in their reply is as below:-

“D.That the present PIL concerning the land in question was lawfully transferred to the Forest Department in the year 1985. It is submitted that in compliance of Order dated 21.03.1985 issued by the Agriculture (Group-7), Special Planning Organisation and Integrated Rural Development Department, certain land parcels of 100 hectares each, which were found economically non-viable for the Sheep and Wool Department, were identified for transfer, and the Forest Block Kolu Pabuji was included in the serial no 2 of the said list. Pursuant thereto, the District Rural Development Agency, Jodhpur, vide letter dated 26.03.1985, directed transfer of the land to the Forest Department before 31.03.1985, and accordingly, possession of the land was handed over to the Forest department jodhpur on 31.03.1985, it is further submitted that the Forest Department has been in continuous possession and management of the land since 1985. In compliance of the State Government directions issued on 10.06.2019 and subsequent orders, a joint survey was conducted on 01.07.2022 by officers of the Forest and Revenue Departments, wherein 100 hectares out of Khasra No. 427 (total area 218.627 hectares) was confirmed to be under the Forest Department. The land was formally mutated in favour of the Forest Department vide Mutation No.859 dated 22.07.2022. It is further submitted that from the last 39 years, the Forest Department has continuously protected, developed and managed the land and has incurred public expenditure towards forest conservation, wildlife protection and land security.

E.That as far as the response of forest department is concerned in the present PIL regarding oran land, it is respectfully submitted that the land in question being Oran land enjoys the status of forest land in view of binding directions of the Hon'ble Supreme Court. In Re: T.N. Godavarman Thirumulpad v. Union of India & Ors, the Hon'ble Supreme Court categorically held that sacred groves such as Orans, Dev-vans and other similar areas are required to be treated as forest land, irrespective of whether they satisfy the physical parameters of "deemed forest" such as density of more than 200 trees per hectare or a compact block of 5 hectares or more.

Consequently, such lands are required to be included and treated as "forest land" for all legal and statutory purposes, attracting full protection under forest and environmental laws"

5. It is noteworthy that the stand taken by the respondents has remained uncontroverted, inasmuch as neither any affidavit and/or rejoinder, nor any other material, has been placed on record by the petitioner.
6. In view of the aforesaid undisputed factual position, the present writ petition is dismissed both on merits as well as lack of assistance by the petitioner.
7. All pending application(s) stand disposed of.

(SANDEEP SHAH),J

(ARUN MONGA),J

53-raksha/-