

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

S.B. Civil Writ Petition No. 12217/2026

CNR: RJHC010537952026

URN: CW / 22153U / 2026

1. Smt. Bhawna D/o Late Shri Jainarayan, Aged About 43 Years, R/o Village Banar, Tehsil And District Jodhpur (Raj.).
2. Smt. Chanchal Sharma D/o Late Shri Jainarayan, Aged About 38 Years, R/o Village Banar, Tehsil And District Jodhpur (Raj.).

-----Petitioners

Versus

1. State Of Rajasthan, Through The Tehsildar, Tehsil Jodhpur (Raj.).
2. Jagdish S/o Late Shri Chunni Lal, R/o Village Banar, Tehsil And District Jodhpur (Raj.).
3. Ramchandra S/o Late Shri Chunni Lal, R/o Village Banar, Tehsil And District Jodhpur (Raj.).
4. Smt. Ramjot W/o Late Shri Jainarayan, R/o Village Banar, Tehsil And District Jodhpur (Raj.).
5. Smt. Lalita D/o Late Shri Jainarayan, R/o Village Banar, Tehsil And District Jodhpur (Raj.).
6. Smt. Kusumlata D/o Late Shri Jainarayan, R/o Village Banar, Tehsil And District Jodhpur (Raj.).
7. Ishwar S/o Late Shri Jainarayan, R/o Village Banar, Tehsil And District Jodhpur (Raj.).

-----Respondents

For Petitioner(s) : Mr. Jog Singh Bhati

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

17/07/2026

Learned counsel for the petitioners submits that the petitioners' father, late Shri Jainarayan, along with his brothers,

had instituted a suit seeking declaration of Khatedari rights and injunction in respect of the land in question. The suit was dismissed by the learned Sub-Divisional Officer, however, the appeal preferred thereagainst was allowed by the Revenue Appellate Authority, declaring their Khatedari rights. Aggrieved thereby, the State preferred a second appeal before the learned Board of Revenue.

It is further submitted that during the pendency of the said appeal, the petitioners' father expired. Though an application under Order XXII Rule 4 CPC was subsequently filed by the State seeking substitution of his legal representatives beyond the prescribed period of limitation, no application for condonation of delay was filed. It is contended that while the application for substitution was allowed, no notice was ever issued or served upon the present petitioners and they were never afforded an opportunity of hearing. Despite this, the learned Board of Revenue proceeded to decide the appeal vide order dated 01.10.2021 against the petitioners as well.

Learned counsel submits that the appeal had already abated qua the deceased respondent, and the impugned order having been passed without notice to the petitioners is ex facie unsustainable. It is further submitted that relying upon the impugned order, the respondent-Tehsildar is now threatening to dispossess the petitioners from the agricultural land in question.

The matter requires consideration.

Issue notice to the respondents, returnable within a period of six weeks.

In the meanwhile and till the next date, the effect and operation of the order dated 01.10.2021 (Annexure-12) shall remain stayed and the parties are further directed to maintain status quo, as it exists today, with regard to the property/land in question.

(MUKESH RAJPUROHIT),J