

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

S.B. Civil Writ Petition No. 12351/2025

Rekha Ram S/o Shri Chima Ram, Aged About 28 Years, Resident
Of Kothe Ka Tala, Gharasar Chohtan, District Barmer.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Secretary, Department Of Gram Panchayat And Panchayati Raj, Government Of Rajasthan, Jaipur.
2. The Deputy Secretary, Department Of Gram Panchayat And Panchayati Raj, Government Of Rajasthan, Jaipur.
3. The District Collector (Revenue Records), Collectorate, Barmer.
4. Tehsildar (Land Revenue), Chohtan, District Barmer.
5. Sub Divisional Officer, Chohtan, District Barmer.
6. Sarpanch Gram Panchayat Ghoniya, Panchayat Samiti Chohtan, District Barmer.
7. Veera Ram Choudhary S/o Deva Ram Choudhary, Aged About 41 Years, Resident Of Village Kothe Ka Tala, Gharasar Chouhtan, District Barmer.
8. Hukma Ram S/o Chuna Ram, Aged About 28 Years, Resident Of Village Kothe Ka Tala, Gharasar Chouhtan, District Barmer.
9. Deva Ram S/o Dungra Ram, Aged About 64 Years, Resident Of Village Kothe Ka Tala, Gharasar Chouhtan, District Barmer.
10. Padma Ram S/o Roopa Ram, Aged About 45 Years, Resident Of Village Kothe Ka Tala, Gharasar Chouhtan, District Barmer.
11. Banka Ram S/o Dungar Ram, Aged About 63 Years, Resident Of Village Kothe Ka Tala, Gharasar Chouhtan, District Barmer.
12. Deda Ram S/o Roopa Ram, Aged About 44 Years, Resident Of Village Kothe Ka Tala, Gharasar Chouhtan, District Barmer.

-----Respondents

For Petitioner(s) : Mr. K.R. Saharan
For Respondent(s) : Mr. N.S. Rajpurohit, AAG

HON'BLE MR. JUSTICE SANJEET PUROHIT

Judgment

10/02/2026

1. Present writ petition has been filed assailing revised Notification dated 29.05.2025 (Annexure-7) issued by the State Government and consequential order dated 03.06.2025 (Annexure-8) passed by District Collector, Barmer, in furtherance thereof.

2. Learned counsel for petitioner submits that vide Notification dated 15.02.2023 (Annexure-3), a new revenue village namely '*Kaliyon Ka Tala*' was created in Tehsil Chouhtan, District Barmer. Said Notification was challenged by way of S.B. Civil Writ Petition No. 755/2023 (*Veera Ram Choudhary & Ors. Vs. State of Rajasthan & Ors.*), which came to be decided vide judgment dated 18.02.2025 along with a bunch of writ petitions led by S.B. Civil Writ Petition No. 3470/2025 [*Moola Ram Vs. State of Rajasthan & Ors.*].

By said common judgment dated 18.02.2025, Notification dated 20.01.2025 and other similar notifications were quashed and set aside, and directions were issued to initiate a fresh process for creation of new revenue villages in conformity with the Circulars dated 20.08.2009 and 17.02.2025.

2.1 Learned counsel for petitioner contends that as a matter of fact, issues involved in Writ Petition No. 755/2023 were entirely

different, yet the same has erroneously been decided along with the bunch of writ petitions led by **Moola Ram** (supra).

2.2 Learned counsel for petitioner further submits that allegedly in compliance of judgment passed in Writ Petition No. 755/2023, respondent authorities issued amended Notification dated 29.05.2025, whereby earlier notification dated 15.02.2023, issued for creation of revenue village 'Kaliyon Ka Tala', was cancelled. Consequent thereto, District Collector, Barmer, vide his order dated 03.06.2025, has cancelled the creation of said revenue village in Tehsil Chouhtan.

2.3 Learned counsel for petitioner contended that judgment dated 18.02.2025 passed in S.B. Civil Writ Petition No. 755/2023 was challenged by present petitioners by way of filing S.B. Review Petition (Writ) No. 37/2025, which came to be allowed by Co-ordinate Bench of this Court vide its order dated 10.09.2025. By the said order, judgment dated 18.02.2025, insofar as it related to S.B. Civil Writ Petition No. 755/2023, was recalled and writ petition was restored to its original number.

2.4 Learned counsel for petitioner thus submits that impugned order dated 29.05.2025 has been passed solely on account of judgment dated 18.02.2025 whereas while allowing the Review Petition No.37/2025, said judgment dated 18.02.2025 has itself been recalled, therefore, the consequential order passed by State Government in compliance thereof cannot be sustained in the eyes of law.

3. Learned counsel for respondent failed to dispute the aforesaid factual position as contended by counsel for petitioner. However, it is stated that since S.B. Civil Writ Petition No.

755/2023 stands restored to its original number, therefore, the present writ petition may be kept in abeyance pending adjudication of writ petition No. 755/2023

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

5. A bare perusal of the impugned Notification dated 29.05.2025 makes it manifest that the State Government proceeded to cancel the revenue village "Kaliyon Ka Tala", situated in Tehsil Chouhtan, District Barmer, solely on the basis of and in purported compliance with the judgment dated 18.02.2025 rendered in *Moola Ram* (supra). The Notification, therefore, derives its very foundation and rationale from the said judgment.

However, it is significant to note that while adjudicating Review Petition No. 37/2025, this Court categorically held that the writ petition No.755/2023 had been erroneously tagged and decided along with the batch of matters led by *Moola Ram* (supra). In view of this apparent misjoinder of writ petition in the bunch, this Court recalled its order dated 18.02.2025 to the extent it pertained to village "Kaliyon Ka Tala".

Once the very basis of the impugned Notification — namely, the applicability of the judgment in *Moola Ram* (supra) to village "Kaliyon Ka Tala" — stands recalled and rendered inoperative, the consequential administrative action founded thereupon cannot be sustained in the eyes of law. It is a settled principle that when the substratum of an order ceases to exist, any action taken in pursuance thereof must also fall.

Accordingly, in the absence of a surviving judicial determination warranting such action, the Notification dated

29.05.2025 lacks legal foundation and cannot be permitted to stand.

5.1 Insofar as the submission advanced on behalf of the respondents seeking to keep the adjudication of the present writ petition in abeyance is concerned, the same is wholly misconceived and untenable in law. Impugned Notification under challenge in the present proceedings is founded entirely upon the adjudication rendered in *Moola Ram* (supra). However, it has already been held that the ratio and findings in *Moola Ram* (supra) are not applicable to the facts and circumstances of the present case and judgment passed in the case of *Moola Ram* (supra) has already been recalled to the extent of Writ Petition No.755/2023. In such circumstances, there exists no justifiable ground to defer or withhold adjudication of the present writ petition merely on account of the pendency of Writ Petition No. 755/2023. The said writ petition pertains to its own distinct factual and legal matrix, and its eventual outcome shall operate independently in accordance with law. Needless to observe, the State Government would remain at liberty to pass appropriate orders, if so required, in conformity with the final outcome of Writ Petition No. 755/2023. Accordingly, the prayer to keep the present matter in abeyance deserves to be rejected.

5.2 Impugned Notification dated 29.05.2025 has been passed solely in compliance of judgment passed in ***Moola Ram*** (supra) and since the said case has been held to be inapplicable to case at hand, accordingly, this Court deems it appropriate to quash Notification dated 29.05.2025 to the extent it cancels earlier

Notification dated 15.02.2023 for creation of village '*Kaliyon Ka Tala*'.

6. In view of the above discussions, present writ petition is allowed. Impugned Notification dated 29.05.2025 (Annexure-7) as well as consequent order dated 03.06.2025 (Annexure-8) are quashed and set aside. Earlier notification dated 15.02.2023 is ordered to be restored to the extent of creation of new revenue village '*Kaliyon Ka Tala*' in Tehsil Chouhtan, District Barmer.

7. Stay petition and all pending applications, if any, also stand disposed of.

(SANJEET PUROHIT),J

8-praveen/-