

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

S.B. Civil Writ Petition No. 13237/2026

Nagendra Singh Rathore

-----Petitioner

Versus

Union of India

-----Respondent

Connected With

1. S.B. Civil Writ Petition No. 13226/2026
2. S.B. Civil Writ Petition No. 13247/2026
3. S.B. Civil Writ Petition No. 13249/2026
4. S.B. Civil Writ Petition No. 13250/2026
5. S.B. Civil Writ Petition No. 13251/2026
6. S.B. Civil Writ Petition No. 13269/2026

For Petitioner(s)	:	Mr. Chandra Shekhar Kotwani, Sr. Adv. assisted by Mr. Harshwardhan Singh & Mr. Chinmay Shekhar
For Respondent(s)	:	Mr. Bharat Vyas, ASG through V.C. with Ms. Divyanshi Thanvi Mr. N.S. Rajpurohit, AAG

HON'BLE MR. JUSTICE SAMEER JAIN

Order

29/06/2026

Learned Additional Solicitor General Mr. Bharat Vyas submits that the respondents are in process of filing reply. Learned ASG submits that he is appearing for Union of India through various offices under Director General, Archaeological Survey of India. It is submitted that the matter at hand pertains to Chittorgarh Fort which has its own history and archaeological importance. It is further submitted that in the year 2004, a Public Interest Litigation (for short, 'PIL') was filed before this Court qua the welfare of the inhabitants residing in the habitation area of the

Chittorgarh Fort which is a living Fort, wherein as many as 300 families are residing and earning their livelihood.

It is next submitted that vide order dated 28.04.2004, this Court after considering the facts and circumstances of the matter, disposed the said PIL with categorical directions to the State Authorities to formulate a rehabilitation scheme for the families residing in the Fort, in order to keep intact the heritage of Fort, and fulfill the requirements as required under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and the relevant policies from time to time. It is further submitted that even after a lapse of approximately 22 years, the State has failed to carry out its duty and has also failed to follow the mandate of this Court in issuing the rehabilitation scheme *qua* the petitioners and similarly situated persons. It is next submitted that on account of negligence and inordinate delay, several properties in question are already converted into commercial properties such as hotels, restaurants, etc. as the same is situated at the location of tourist attraction.

It is next submitted that in light of the aforestated facts and circumstances, various notices spanning in between the period of 2021-24 were issued and coercive actions were taken *qua* the residents residing in or around the Chittorgarh Fort.

Learned Senior Counsel Mr. Kotwani appearing on behalf the petitioners prayed that the State is under an obligation to prepare a rehabilitation scheme for the families residing in or around the Chittorgarh Fort as per the directions passed by this Court vide order dated 28.04.2004, and till then no coercive action should be taken *qua* the petitioners and similarly situated persons.

Learned Additional Advocate General Mr. N.S. Rajpurohit, as per the directions of the Court dated 23.06.2026 was served with the notice but is not able to put on record any rehabilitation scheme prepared and formulated by the State Authorities and is not able to explain that why in interregnum the properties in question were converted to commercial properties and as to why the construction on the said property had taken place, destroying the monument and heritage site, in violation of the conditions prescribed under the Ancient Monuments and Archaeological Sites and Remains Act, 1958 and the relevant policies. The duty casted upon respondent Nos.6 and 7 i.e. District Collector, Chittorgarh and the Commissioner Municipal Council, Chittorgarh has not been carried out.

In view of the above facts *qua* respondent Nos.1-5, learned AAG has submitted that reply will be filed within two working days from today.

Learned Additional Advocate General has submitted that he will file appropriate reply on behalf of respondent No.6 and 7 under signatures of the concerning officers, along with the relevant records being annexed and will emphasize upon preparation of the rehabilitation scheme and will also put forth the clarification *qua* the ongoing commercial activities and construction on the property in question.

Having heard and considering the gravity of the issue at hand and taking note of the fact that the Chittorgarh Fort being significant historical archaeological site and being declared as a protected monument, this Court hereby directs the District

Collector, Chittorgarh and the Commissioner to appear before this Court through V.C. on the next date of hearing.

Taking note of the submissions put forth by the learned ASG regarding the negligence reflected by the State Authorities in a highly sensitive and important matter, the Registrar (Judicial) is directed to forward a copy of this order to the Chief Secretary, State of Rajasthan via fax/email.

List these matters on 06.07.2026 in the supplementary cause list at 2:00 P.M.

(SAMEER JAIN),J

JKP/s-209-214 & 215