

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

S.B. Civil Writ Petition No. 13243/2026

Peer Mohammad Shah Jilani Dargah Samiti

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

Connected with

S.B. Civil Writ Petition No.13472/2026

S.B. Civil Writ Petition No. 13281/2026

S.B. Civil Writ Petition No. 13282/2026

S.B. Civil Writ Petition No.13284 /2026

S.B. Civil Writ Petition No.13285 /2026

S.B. Civil Writ Petition No.13299 /2026

S.B. Civil Writ Petition No.13340 /2026

S.B. Civil Writ Petition No.13244 /2026

S.B. Civil Writ Petition No.13277 /2026

S.B. Civil Writ Petition No.13308 /2026

S.B. Civil Writ Petition No.13311/2026

S.B. Civil Writ Petition No.13352 /2026

S.B. Civil Writ Petition No.13354 /2026

S.B. Civil Writ Petition No. 13363/2026

S.B. Civil Writ Petition No.13617 /2026

S.B. Civil Writ Petition No.13637 /2026

S.B. Civil Writ Petition No.13858 /2026

For Petitioner(s)	:	Mr. Vikas Balia, Sr. Advocate assisted by Mr. Tahir Hakim Mr. C.S. Kotwani with Mr. Abhijeet Singh Charan Mr. Harish Kumar Purohit with Mr. Shansank Sharma Mr. M.A. Siddiquie with Mr. Naved Khan Mr. Anda Ram Mr. Usman Ghani Mr. Bhavit Sharma Mr. M.S. Soni Mr. A.R. Choudhary
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Mr. Priyank Kewaliya
Ms. Vrinda Bhardwaj
For Respondent(s) : Mr. Rajendra Prasad, AG through VC
assisted by Mr. A.S. Shekhawat
Mr. Bharat Vyas, ASG through VC
assisted by Mr. Vaibhav Bhansali
Mr. Shyam S. Paliwal Dy. SG
Mr. B.L. Bhati, AAG with Mr. Deepak
Chandak, Mr. Sukhdev Sharma &
Mr. Sandeep Soni
Mr. Manish Patel

HON'BLE MR. JUSTICE SAMEER JAIN

Order

03/07/2026

Proceedings held in camera

1. With the consent of the respective parties, a batch of matters has been taken up together, and S.B. Civil Writ Petition No. 13243/2026 titled Peer Mohammad Shah Jilani Dargah Samiti vs. The State of Rajasthan & Ors. has been treated as the lead matter. It is made cautiously clear that the proceedings and recordings made herein shall apply *mutatis mutandis* to all connected petitions. Mr. Vikas Balia, learned Senior Counsel appearing on behalf of the petitioner at the outset, submitted that a consensus had been reached between the parties that, in view of the similarity of legal questions and factual matrix, the present matter may be treated as the lead case.

2. Having a bird's eye view upon the nitty-gritty of the matter at hand, it *prima facie* appears that the issue at hand pertains to the notices issued to the petitioners by the authorities concerned, under various statutory schemes, for instance, Rajasthan Colonization Act, 1954, (hereinafter referred to as 'Act

of 1954'), Rajasthan Land Revenue Act, 1956, qua vacation/eviction/show cause (Refer SBCWP Nos. 13243/2026 and 13281/2026) of the premise/ property which is said to be an 'illegal construction' and as the same is located within 50 kms. from the Indo-Pak Border area, which is a sensitive and crucial zone from the point of National Security. It is noted that the notices have directed the petitioners/ aggrieved persons to appear before the authority concerned, in order to put-forth their stance/reply to the notice.

3. It is unanimously submitted by the learned counsel appearing for the petitioners that the primary issue around which the petitions at hand revolve around is that notices have been issued in a cyclostyled manner to the petitioners, with a predetermined approach under the provisions of the Act of 1954 particularly under Section 22. It is contended that the principal ground taken in the reply to the writ petition by the respondents pertains to a threat to national security, which, according to the petitioner, is an entirely distinct issue. Learned Senior Counsel further argued that, as per the settled position of law laid down by the Hon'ble Supreme Court in various judgments, adherence to the principles of *audi alteram partem*, fair procedure, and natural justice is indispensable, and the same are conspicuously absent in the present matters.

4. It is further submitted that notices of extremely short duration have been issued to premises such as Dargahs, Masjids, and Madarsas without conducting any prior investigation or supplying relevant documents pertaining to the alleged breach of statutory conditions under the Act of 1954, Section 90A of the

Rajasthan Land Revenue Act, 1956 or in relation to national security concerns. It is contended that the Apex Court has, in several decisions, laid down guidelines regarding demolition of properties, including religious places and residences of alleged offenders, mandating proper surveys, adequate opportunity of hearing, and adherence to fair procedure, none of which have been followed in the present cases.

5. In support of the contentions made, learned senior counsel has placed reliance upon the ratio encapsulated under **(2023) 13 SCC 401 : Madhyamam Broadcasting Limited v. Union of India, 2024 SCC Online 3210 : In re: Manoj Tibrewal Akash v. State of Uttar Pradesh, (2025) 5 SCC 1 : In Re: Directions in the Matter of Demolition of Structures., SLP (A) (C) No. 8519/2006 : Union of India v. State of Gujarat & Ors., and 2026 SCC Online SC 184 : Abdul Khalek v. State of Assam.** It is further argued that, in the absence of cogent "reasons to believe", no inference regarding threat to national security can be drawn merely on the basis of hearsay or routine assumptions. The petitioner in one of the petitions asserted that the Dargah in question is more than 200 years old, duly registered under the Rajasthan Cooperative Societies Act, 2001 and that even alternate land had been proposed by the Government. Therefore, no coercive action ought to be taken without proper adjudication, and thus it is prayed that adequate notice, opportunity of hearing, and factual examination be ensured prior to taking any adverse steps.

6. The aforesaid submissions have been adopted by learned counsel Shri C.S. Kotwani, Shri Najib, Hakim, M.S. Siddique, Mr. A.R. Choudhary, and others.

7. *Per contra*, learned Advocate General Shri Rajendra Prasad, learned ASG Shri Bharat Vyas, and learned AAG Shri B.L. Bhati, along with other counsel, appearing for the respondents, contended that the writ petitions have been filed on a misconceived premise and at a premature stage. It is submitted that appropriate notices were duly served, clearly specifying the date of hearing, thereby demonstrating compliance with the principles of natural justice. It is further contended that sufficient opportunity for personal hearing was afforded, which the petitioners failed to avail, instead approaching this Court directly. It is further contended that disputed questions of fact, including the nature of the establishments, the contents of the notices, and the *bona fides* of the claims, cannot be adjudicated in writ jurisdiction. It is apprised to the Court that the authorities concerned have made sincere endeavors to effectuate service of the notices/ show cause notices to the petitioners/allied persons from the said locality, however, due to non availability of authorized persons upon whom service could be carried, the authorities were left with no mode of service, other than getting it served by *chaspa*. There is no iota of doubt that when the matter is of national security and certain threat is apprehended in a zone/ area which has been under tension often, the authorities have to be prompt to take decisions, and thus, the respondent authorities with circumspect mind have acted and served the petitioners; thus, no dubiousness qua non-compliance of statutory provisions arises.

8. It is also contended that under the Rajasthan Religious Buildings and Places Act, 1954, particularly Section 5, prior

permission of the Collector is mandatory for establishing any religious place, and in a few of the petitions, at hand, the petitioners failed to disclose this requirement and have established the premises illegally, unlawfully, and without authorization within a 50 kilometer radius of the border area. Moreover, it appears that the petitioners at a belated stage and as an afterthought, have weaved the instant situation as an attempt of communal distinction, which is not the case, as the notices served herein are merely for national security reasons, perhaps on basis of certain intel, and have no nexus to communal/ religious constructions.

9. Further, reliance is placed on the Notification dated 11.10.2021 issued under Section 139 of the Border Security Force Act, 1968, whereby areas within 50 kilometers from the Line of Control have been designated as border areas, as these regions are highly sensitive and susceptible to national security threats. In this regard, it is submitted that in such zones, the BSF is vested with wide powers to take necessary action in the interest of national security and public safety.

10. The respondents also referred to past incidents necessitating policy measures such as the present one, "Operation Clean Border" to safeguard national interests. It is stoutly rebutted that the judgments cited by the petitioners are distinguished on the ground that they pertain to private properties or religious places situated in civil areas and are thus not applicable to sensitive border regions. It is argued that, in such cases, considerations of national security override the principles of natural justice, and the actions of the State are justified. Nevertheless, as on date, it is evident that no buildings/ constructions are demolished, and even

arguendo assumed that some buildings are demolished the same has been done, in compliance of the due statutory procedure, after granting due opportunity of hearing to such person.

11. Although both sides expressed their intention to continue their submissions, the hearing could not be concluded due to certain technical glitch and paucity of time. In view of the detailed arguments advanced, the matters are **part-heard** and **admitted**.

12. List the instant batch of petitions on 07.07.2026 at 2:00 p.m. in the supplementary cause-list for final hearing along with S.B. Civil Writ Petition Nos.13472/2026, 13281/2026, 13282/2026, 13284/2026, 13285/2026, 13299/2026, 13340/2026, 13244/2026, 13277/2026, 13308/2026, 13311/2026, 13352/2026, 13354/2026, 13363/2026, 13617/2026, 13637/2026, 13858/2026.

13. In the meantime, requisites be carried out. Learned counsel representing the parties are expected to submit a short submission outlining their stance or relied upon documents, judgments, if any, in advance.

(SAMEER JAIN),J