

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 13707/2026
CNR: RJHC010624852026
URN: CW / 24971U / 2026

1. Agra Ram S/o Shri Bagtaram, Aged About 65 Years, R/o Barmer Agore Tehsil And Dist. Barmer Raj.
2. Late Pratapchand, Son Of Ramaram Through His Legal Heirs
3. Smt. Antari Devi W/o Late Shri Pratap Chand, Aged About 60 Years, R/o Barmer Gadan Tehsil And Dist. Barmer Raj.
4. Om Prakash S/o Late Shri Pratap Chand, Aged About 33 Years, R/o Barmer Gadan Tehsil And Dist. Barmer Raj.
5. Vikram S/o Late Shri Pratap Chand, Aged About 40 Years, R/o Barmer Gadan Tehsil And Dist. Barmer Raj.

-----Petitioners

Versus

1. Kamla Devi W/o Shri Udaram, R/o Dedadiyar Presently Residing At Ambedkar Colony Barmer Tehsil And Dist. Barmer Raj.
2. Udaram S/o Shri Hothiram, R/o Dedadiyar Presently Residing At Ambedkar Colony Barmer Tehsil And Dist. Barmer Raj.
3. Tejaram S/o Shri Kirparam, R/o Barmer Gadan Tehsil And Dist. Barmer Raj.
4. Smt. Mandu Devi W/o Shri Mehararam, R/o Mahabar Tehsil And Dist. Barmer Raj.
5. Gavri Devi W/o Ramaram, R/o Barmer Gadan Tehsil And Dist. Barmer Raj.
6. The Tehsildar, Barmer Dist. Barmer Raj.
7. The Board Of Revenue For Rajasthan, Ajmer Through Its Registrar
8. The Revenue Appellate Authority, Barmer
9. The Assistant Collector Cum Sub Divisional Officer, Barmer Dist. Barmer Raj.

-----Respondents

For Petitioner(s)	:	Mr. Peerane Khan
For Respondent(s)	:	

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

06/07/2026

Learned counsel for the petitioners submits that respondent No.2 instituted a suit under the Rajasthan Tenancy Act, 1955 before the Assistant Collector, Barmer, claiming one-half share in the disputed land. The petitioners put in appearance, filed their written statement along with a detailed counter-claim, and during pendency of the proceedings, Smt. Kamla Devi was impleaded as a party respondent. Subsequently, on 29.06.2009, upon the plaintiff's counsel pleading "No Instructions", the Assistant Collector dismissed both the suit and the petitioners' counter-claim. The petitioners were neither heard nor informed of the dismissal and became aware of the order only upon the emergence of disputes concerning acquisition of the land and disbursement of compensation.

Being aggrieved, the petitioners preferred an appeal under Section 223 of the Act of 1955. By order dated 30.07.2015, the Revenue Appellate Authority, Barmer, allowed the appeal, set aside the order dated 29.06.2009, and remanded the matter for continuation from the stage at which the proceedings had terminated. Respondent No.1 thereafter preferred a second appeal before the Board of Revenue, Ajmer (in short "the Board"), which, by order dated 18.06.2026, allowed the appeal, holding that the petitioners were deemed to have knowledge of the order through their counsel and that the first appeal was barred by limitation. The Board further held that the Revenue Appellate Authority lacked jurisdiction to restrain disbursement of compensation,

consequently setting aside the order dated 30.07.2015 and restoring the order dated 29.06.2009. It is contended that the Board failed to appreciate that the petitioners' counter-claim had been dismissed without adjudication on merits and without opportunity of hearing.

The matter requires consideration.

Issue notice to the respondent(s), returnable within six weeks.

In the meanwhile and until next date of hearing, the effect and operation of the orders dated 18.06.2026 (Annex.1) & 29.06.2009 (Annex.4), shall remain stayed.

List after six weeks.

(MUKESH RAJPUROHIT),J