

RAJASTHAN HIGH COURT

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR

सत्यमेव जयते

D.B. Spl. Appl. Writ No. 991/2025

1. The State Of Rajasthan, Through The Director,
Department Of Local Sefl, Jaipur (Raj.).
2. The Commissioner, Municipal Council, Banswara (Raj.).

----Appellants

Versus

Smt. Reesha Pandya W/o Shri Jignesh Pandya, Aged About 40
Years, R/o Bhgyodaya Mahi Sarovar Nagar, Housing Board,
Banswara (Raj.).

----Respondent

For Appellants : Mr. Ayush Gehlot

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

Order

27/02/2026

1. Learned counsel for the appellants fairly states that the issue raised in the present appeal stands already adjudicated by this Court in the case of **Commissioner, Municipal Council, Banswara Vs. Smt. Pratibha Acharya¹** and connected appeals decided on 10.01.2025. He prays that the present appeal may also be decided in the same terms.
2. We have considered the submissions in the case of *Smt. Pratibha Acharya(supra)* wherein this Court held as under:

"8. This Court, after thorough examination, is convinced that the respondents, who were holding valid Pattas issued by the Municipal Council, Banswara, since 1988, did not commit any such wrong which would disentitle them from the benefits of such Pattas. However, considering that the land in question has been

1 D.B. Special Appeal Writ. No. 876/2024

transferred to the Forest Department, and taking into account the additional submissions made by the Municipal Council, Banswara in their reply, as quoted above, this Court is of the opinion that the order passed by learned Single Bench of this Court is perfectly justified, as neither a condition of nearby nor an adjoining is therein the impugned order, but merely directs exploration of the possibility of same-dimension plots anywhere within the Municipal Council Banswara's jurisdiction.

8.1. The Municipal Council Banswara has not come out with a clear stand regarding the availability of any area within its jurisdiction that could be allotted to the respondents, whether through a special scheme or by utilizing plots in existing schemes. Such exploration is completely absent from the pleadings of appeals or any other submission made on behalf of Municipal Council Banswara. The impugned order simply directs the exploration of possibilities for allotting plots of the same dimension anywhere within the Municipal Council Banswara, which is justified given that the original land where the pattas were issued to the present respondents is now occupied by the forest department. Any other approach to achieve equity and balance would be challenging, as the land values between 1988 and 2025 have varied so significantly, potentially causing disproportionate effects on either party if compensation or costs were to be calculated.

9. In the given circumstances, the impugned order does not deserve any interference by this Court."

3. The present appeal also raises the same issue.
4. Accordingly, the present appeal is dismissed *mutatis mutandis*.
5. All pending applications also stand disposed of.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACJ