2026:RJ-JP:32129

HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 15098/2026
CNR: RJHC010688042026
URN: CW / 27377U / 2026

Jagdish Prasad S/o Shri Tulsi Ram, Aged About 42 Years, R/o Sulera, Lunkaransar, District Bikaner (Raj.)

----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Revenue, Secretariat, Rajasthan, Jaipur.
2. The Board Of Revenue, Through The Registrar, Ajmer, District Ajmer, Rajasthan
3. The Registrar, Board Of Revenue, Ajmer, District Ajmer, Rajasthan
4. The District Collector(Land Record), Bikaner, District Bikaner, Rajasthan.
5. The Tehsildar, Lunkaransar, District Bikaner

----Respondents

For Petitioner(s)	:	Mr. JS Bhaleria
For Respondent(s)	:	Mr. SR Paliwal

HON'BLE DR. JUSTICE NUPUR BHATI

Order

16/07/2026

1. The instant writ petition has been filed with the following prayers:

> "(i) By an appropriate writ, order or direction, the impugned transfer order dated 10.07.2026 Annex. P/1 may kindly be quashed and set aside qua the petitioner."

2. Counsel for the petitioner, at the outset, submits that the controversy involved in the writ petition is squarely covered by the order dated 01.03.2024 passed by the Coordinate Bench in the

case of ***"Chhagan Lal Patel v. Board of Revenue" : SBCWP No.2990/2024***; wherein the petitioner, who was working as an Inspector (Land Records), was transferred within the division, however, there was no specific place of posting mentioned in the transfer order. The order dated 01.03.2024 passed in the case of *Chhagan Lal (supra)*, is reproduced hereunder:

> "1. The present writ petition has been preferred against Order No.1429 dated 22.02.2024 passed by the Board of Revenue, Ajmer whereby the petitioner, who is working as Inspector (Land Records), has been sought to be transferred from Tehsil Sirohi to Sanchore.
> 2. Learned counsel for the petitioner submits that firstly the order impugned is incomplete one as no specific place of posting has been mentioned and secondly, the transfer is within the division and as per the Rule 173 of the Rajasthan Land Revenue (Land Records) Rules, 1957 (hereinafter referred to as 'the Rules of 1957'), it is only the Divisional Commissioner who is competent to transfer the Revenue Inspector within the division. He submits that the order impugned passed by the Board of Revenue is not in conformity with Rule 173 of the Rules of 1957. In support of his submissions, learned counsel relied upon the judgment passed by a co-ordinate Bench of this Court in the matter of ***Rajendra Manda Vs. State of Rajasthan & Ors., S.B. Civil Writ Petition No.1367/2023*** (decided on 01.08.2023).
> 3. Per contra, learned counsel for the respondents submitted that vide the order impugned, the Board of Revenue has exercised its independent power and in terms of Rule 173 of the Rules of 1957, the Board of Revenue has the authority to transfer the Revenue Officer anywhere within the State. He submitted that the ratio of ***Rajendra Manda's*** case (supra) would not apply to the present matter as therein the issue was whether the State Government can direct the Collector/Divisional Commissioner/Board of Revenue to transfer.
> 4. Heard learned counsel for the parties and perused the material available on record.
> 5. It is clear on record that vide the order impugned, the petitioner has been sought to be transferred at Sanchore without specifying any specific place of posting. The same is clearly a vague and incomplete order as held by the co-ordinate Bench of this Court in ***Rajendra Manda's*** case (supra) and hence, the same cannot be upheld. Further, as observed in ***Rajendra Manda's*** case (supra), the order of transfer of Revenue Inspector, passed by the Board of

> Revenue, is clearly in exercise of the powers as prescribed under Rule 173 of the Rules of 1957 and the said powers have to be exercised in exclusion of one another. In ***Rajendra Manda's*** case (supra), it has been clearly held that interpreting the provision in the manner that the Board of Revenue has the power to transfer anywhere within the State including the power to transfer within the district and the division, would lead to overlapping powers between the authorities mentioned therein. Therefore, such nature of uncertainty and confusion cannot be countenanced.
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> 6. In view of the ratio as laid down in the above judgment, the order impugned transferring the petitioner within the division having been passed by the Board of Revenue, cannot be upheld and the same is hence, quashed and set aside qua the present petitioner. The writ petition is hence, **allowed**.
>
> 7. Stay petition and the pending applications, if any, also stand **disposed of.**"

3. Learned GC, opposes the submissions advanced by the petitioner's counsel, however, is not in a position to refute the fact that the controversy involved in the present writ petition is squarely covered by the order dated 01.03.2024 passed in the case of *Chhagan Lal Patel (supra)*.

4. In view of the above, the instant writ petition is allowed in the same terms as in the case of *Chhagan Lal Patel (supra)*.

5. In the ratio, as laid down in the above judgment, the order impugned dated 10.07.2026 (Annex.P/1) transferring the petitioner within the division having been passed by the Board of Revenue, cannot be upheld and the same is hence, quashed and set aside qua the present petitioner. The writ petition is hence, allowed.

6. Stay petition and the pending applications, if any, also stand disposed of.

(DR. NUPUR BHATI),J

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