



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

2026:RJ-JD:8424-DB

D.B. Civil Writ Petition No. 15703/2022

Suo Motu

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Director, Department Of Local Bodies, Government Of Rajasthan, Having Its Address At Shivaji Nagar, Jaipur, Rajasthan 302007
2. District Collector, Nagaur, Having Its Address At Nagaur Road, Rj Sh 19, Nagaur, Rajasthan 341001
3. Nagar Parishad, Nagaur Through Its Commissioner, Having Its Address At Station Road, Baadi Kuwa, Nagaur, Rajasthan 341001
4. Liyakat S/o Shri Fateh Mohammed, Residing At Outside Ajmeri Gate, Nagaur, Rajasthan 341001
5. Smt. Pramila Devi D/o Shri Babu Lal, Residing At Outside Ajmeri Gate, Nagaur, Rajasthan 341001
6. Smt. Raju Devi D/o Shri Shanti Lal, Residing At Outside Ajmeri Gate, Nagaur, Rajasthan 341001
7. Ram Kumar Parihar S/o Shri Tulsi Ram Parihar, Residing At Shiv Nagar, Infront Of M.d.h., Tausar Road, Nagaur
8. Narendra Solanki S/o Shri Ladu Ram Solanki, Residing At Rampura Bas, Chenar, Nagaur, Rajasthan 341001
9. Madan Lal S/o Shri Rughnath Mali, Residing At Ajmeri Gate Bassi Mohalla, Nagaur, Rajasthan 341001
10. Gulab Chand S/o Shri Madan Lal Mali, Residing At Kangarwada, Nagaur, Rajasthan
11. Ashish Parihar S/o Shri Labhchand Parihar, Residing At Near Ajmeri Gate, Nagaur, Rajasthan

-----Respondents

For Petitioner(s)	:	Dr. Mohit Singhvi Mr. Khatri Vishwash Girish Mr. Shubhanker Johari
For Respondent(s)	:	Mr. Ayush Gehlot, for Mr. Rajesh Panwar, AAG Mr. C.S. Kotwani with Mr. Avdhesh Parashar



HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

13/02/2026

1. Heard learned counsel for the parties.
2. The present writ (PIL) petition has been filed with the following prayers:-

"10. Relief Prayed for:

In the lights of facts stated and grounds advanced, it is therefore most humbly and respectfully prayed before this Hon'ble Court to allow this writ petition and may be pleased to:

- **Restrain** the Respondents from using the land in question for any other purpose apart from the public path for which it was earmarked;
- **Direct** the Respondents to cancel the illegal pattas dated 26.05.2022 and sale deeds 31.05.2022 of the land in question. (Annexure-4) and/or
- **Direct** the Respondents to construct a public park over the land in question; and/or
- Any other order which this Court may deem it fit and appropriate in the interest of justice, equity and good conscience may also be passed in favour of the humble Petitioner."

3. After filing of this PIL, the petitioner-Rafik Khan filed an application for withdrawal of the writ petition, however, this Court vide order dated 04.08.2023 did not allow the petitioner-Rafik Khan to withdraw the present writ petition, but his name was permitted to be deleted and in his place Mr. Shubhankar Johari was appointed as Amicus Curiae in the writ proceedings to assist the Court.

4. The learned Amicus Curiae has vehemently submitted before this Court that the land, which was earmarked for the construction of park is being allotted to the private-respondents for the



extraneous considerations and in gross violation of the rules and provisions of law. The learned counsel further submits that despite the fact that the decision was taken by the general body of the Nagar Parishad, Nagaur on 18.08.2020 (Resolution No.6J) for construction of a park on the vacant land, the same has been withdrawn in a totally illegal and arbitrary manner. He, therefore, prays that the decision to allot the land to the private-respondents may be quashed and set aside.

5. Per contra, the learned counsel for the respondent-Nagar Parishad, Nagaur while opposing the submissions made by the Amicus Curiae, submits that the decision of the general body dated 18.08.2020 (Resolution No.6J) was challenged by way of filing three revision petitions by the private-respondents before the Director Local Bodies, Jaipur under section 327 of the Rajasthan Municipalities Act, 2009. The Director Local Bodies disposed of the revision petitions vide order dated 20.11.2020 by remanding the matter back to the Nagar parishad, Nagaur with the direction to take a fresh decision in the matter after site inspection of the disputed land and after giving reasonable opportunity of hearing to all the concerned. In pursuance of the decision of the Revisional Authority, a public notice was issued inviting objections from all the concerned vide publication dated 29.01.2020 and the Nagar Parishad, Nagaur, thereafter, after completing all the formalities recalled the decision taken by it on 18.08.2020 (Resolution No.6J).

6. The learned counsel for the respondent further submits that it was brought to the notice of the Nagar Parishad, Nagaur that a report has been filed by the Tehsildar, Nagaur dated 25.08.2022



wherein it has been stated that land of Khasra No.385 is "Gair Mumkin Abadi land" for which the pattas have been issued. It is further submitted that the pattas have been issued pursuant to the directions issued by the learned Board of Revenue, Ajmer vide its order dated 17.10.2002, and the order passed by the learned Board of Revenue, Ajmer dated 17.10.2002 has not been challenged and the same has now attained finality. Therefore, the Nagar Parishad, Nagaur is fully within its right to issue the pattas in favour of the respondents.

7. The learned counsel for the Nagar Parishad, Nagaur submitted that the Resolution No.6J dated 18.08.2020 has been withdrawn after following due process of law by a subsequent Resolution dated 09.02.2022 in the Empowered Committee's meeting. He therefore, prays that there is no illegality in the matter and the writ petition is liable to be dismissed.

8. We have considered the submissions made at the bar and have gone through the relevant record of the case. It is true that vide Resolution dated 18.08.2020, the Nagar Parishad, Nagaur has taken a resolution to develop the park on the vacant land at Ward No.83 outside Ajmeri Gate, but the decision of the Committee was challenged by the private-respondents in revision petitions filed by them before the State Government and in pursuance of the decision of the State Government dated 20.11.2020, the matter was reconsidered by the Nagar Parishad, Nagaur. Thereafter, after due publication of notice in the newspaper and after following due process of law, the Empowered Committee of the Nagar Parishad, Nagaur has revoked its earlier decision of construction of the park over the vacant piece of land.



9. In the considered opinion of this Court, since the allotment of the land to the private-respondents has been made by the respondent-Nagar Parishad, Nagaur pursuant to the order passed by the learned Board of Revenue dated 17.10.2002, therefore, if anybody is having any doubt or aggrieved against issuance of pattas, then surely he has a remedy to challenge the same by way of filing an appropriate revision petition under section 73b of the Act of 2009.

10. In view of the discussions made above, the decision of the Nagar Parishad, Nagaur to revoke its earlier decision of construction of the park as per the Resolution dated 18.08.2020 does not suffer from any illegality. The writ petition is, therefore, having no force, and the same is hereby dismissed. However, it is made clear that if any person is aggrieved against issuance of pattas in favour of the private-respondents, then he will be at liberty to take appropriate proceedings for cancellation of those pattas in accordance with law.

11. Before parting with, we appreciate the assistance rendered by the Amicus Curiae Mr. Shubhankar Johari. The Rajasthan State Legal Services Authority is directed to pay the appropriate honorarium to the Amicus Curiae for rendering his services to this Court in this matter.

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J