



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

D.B. Writ Miscellaneous Application No. 334/2024

Prashant Singh Rajpurohit S/o Guman Singh Rajpurohit, Aged  
About 28 Years, Village Sankharna, Tehsil Ahore, District Jalore,  
Raj. 343001.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Secretary,  
Panchayat Raj Department, Government Of Rajasthan,  
Secretariat, Jaipur.
2. The District Collector, Jalore
3. The Sub Divisional Officer, Ahore District Jalore
4. The Tehsildar, Tehsil Ahore District Jalore Rajasthan
5. Gram Panchayat Sankarna, Tehsil Ahore District Jalore  
Rajasthan Through Its Sarpanch
6. Udayraj, Ro Village Sankarna Teshil Ahore District Jalore  
Rajasthan

-----Respondents

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|-------------------|---|-----------------------------------------------------------------------------------------------------------|
| For Petitioner(s) | : | Mr. CS Kotwani                                                                                            |
| For Respondent(s) | : | Mr. N.S. Rajpurohit, AAG assisted by<br>Ms. Aditi Sharma<br>Mr. Pawan Bharti for Mr. IR<br>Choudhary, AAG |

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**HON'BLE MR. JUSTICE ARUN MONGA  
HON'BLE MR. JUSTICE SANDEEP SHAH**

**Order**

**06/05/2026**

1. The misc. application has been filed by the petitioner for  
recalling of the order dated 27.08.2024 passed by this Court,  
whereby the writ petition of the petitioner has been dismissed.
2. Learned counsel for the petitioner submits that respondent  
No. 6 is illegally raising construction over land comprised in

Khasra No. 692, which is recorded as *gair mumkin oran* land situated at Village Sankarna, Tehsil Ahore, District Jalore. It is contended that, as per the report submitted by the Tehsildar, Ahore (Annexure-3), the said respondent has encroached upon Khasra No. 692, whereas the land allotted to him pertains to Khasra No. 690. The Jamabandhi records and photographic evidence further substantiate that the construction being raised exceeds the boundaries of the land lawfully allotted to Respondent No. 6.

2.1. It is further submitted that these crucial facts could not be effectively brought to the notice of this Court on the previous date of hearing due to the unavoidable absence of the petitioner's counsel. Consequently, an order came to be passed without proper assistance on material aspects already supported by official records and the writ petition was dismissed.

3. Before proceeding further, we would like to quote relevant para of the order dated 27.08.2024, which is reproduced hereinbelow:-

*“Application for preponement of date of hearing has been filed by respondent No.6 on the submission that an ex-parte interim order has been passed without hearing the respondent No.6, whereas, he has not made any construction on the land comprising of Khasra No.692, but on the land of Khasra No.690.*

*The averments 'made in the writ petition show that the petitioner has made an allegation of raising construction on the land comprising of Khasra No.692 with the plea that the said land is reserved as gair mumkin oran.*

*We find that the petitioner has not placed on record any material to show that any report was prepared by the local authorities alleging that the respondent No.6 has started raising construction. Curiously enough, the prayer made in the writ petition seeks identification of the land by appropriate demarcation. This shows that the petitioner himself is not sure with regard to the land which is involved in the alleged construction by the respondent No.6.*

*In view of the emphatic stand taken by respondent No.6 on the affidavit that his construction is only on the land comprising of Khasra No.690 and not on the land comprising of Khasra No.692, we are of the view that the writ petition should be disposed off.*

*We are not inclined to proceed with the matter as it is found that issue has already been raised, which is pending before the trial Court, that means the issue is already under consideration in the court of law.*

*For this reason, the writ petition is dismissed.”*

4. The Co-ordinate Bench, while passing the order, *ibid*, observed that the petitioner had failed to place on record any cogent material, much less any report of the competent local authority, to substantiate the allegation that respondent No.6 had raised construction over land comprised in Khasra No.692, stated to be reserved as *gair mumkin oran*. The Bench further noticed that the petitioner himself had sought identification and demarcation of the land in question, which, in itself, reflected uncertainty regarding the precise khasra number over which the alleged construction was alleged. Per contra, respondent No.6, on affidavit, asserted in unequivocal terms that the construction was confined only to Khasra No.690 and did not encroach upon Khasra No.692. The Court also took note of the fact that the dispute pertaining to the subject land was already sub judice before the competent Trial Court.

5. In view of the aforesaid position and in the absence of any sufficient ground warranting interference, we are of the considered view that no case is made out to recall of the order dated 27.08.2024.

6. The misc. application is dismissed.

**(SANDEEP SHAH),J**

**(ARUN MONGA),J**