

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

S.B. Civil Writ Petition No. 20207/2025

1. Chhagan Lal Suthar S/o Gheesa Lal Suthar, Aged About 61 Years, Sadar Bazaar, Sareri, Tehsil Antali, District Bhilwara.
2. Smt Kanchan Devi W/o Chhagan Lal Suthar, Aged About 55 Years, Sadar Bazaar, Sareri, Tehsil Antali, District Bhilwara.

----Petitioners

Versus

1. State Of Rajasthan, Through District Collector, Bhilwara (Raj.).
2. Sub Divisional Office, Gulabpura, District Bhilwara. (Raj.).
3. Tehsildar, Antali, District Bhilwara (Earlier Tehsildar, Hurda).
4. Gram Panchayat Sareri, Through Sarpanch, Gram Panchayat, Sareri, Tehsil Antali, District Bhilwara (Raj.)

----Respondents

For Petitioner(s)	:	Mr. Nikhil Ajmera
For Respondent(s)	:	--

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

16/10/2025

1. Learned counsel for the petitioners submits that a patta was issued by Gram Panchayat, Sareri, Panchayat Samiti, Hurda presently Tehsil Antali, District Bhilwara on 17.08.1996 and since then the petitioner is peacefully residing by raising construction over said land.
2. Learned counsel for the petitioners further submits that a PIL being D.B. Civil Writ Petition No.9637/2023 came to be filed which

was disposed of by Division Bench of this Court while relegating the matter to PLPC.

3. It is further submitted by learned counsel for the petitioners that based on the direction issued in the said PIL, the respondent authorities initiated the proceedings against the petitioners and some other persons. Being aggrieved, a writ petition being S.B. Civil Writ Petition No.933/2025 was filed by the petitioners which came to be disposed of on 03.04.2025 in light of the earlier judgment passed in S.B. Civil Writ petition No.860/2025 (Devkaran Kumawat Vs. State of Rajasthan & Ors; decided on 03.04.2025). It is submitted by the counsel for the petitioners that a Co-ordinate Bench of this Court in the case of Devkaran Kumawat (supra) observed that the Tehsildar would undertake proceedings under Section 91 of the Rajasthan Land Revenue Act, 1956 after considering the reply filed by the petitioner therein and shall also proceed further after affording an opportunity of hearing to the petitioner.

4. It is submitted by the counsel for the petitioners that the Tehsildar has issued notice on 03.10.2025 to petitioner No.1 so also petitioner No.2.

5. Learned counsel for the petitioners submits that as a matter of fact, the petitioners could not be treated as encroachers in view of the fact that they are in possession based on a valid title. It is further submitted that till date the patta has not been challenged before any competent Court and unless the said patta is set aside, the petitioners cannot be treated as encroachers and therefore, the Tehsildar has proceeded under wrong premises that petitioners are encroachers.

6. In view of the submissions made above, issue notice of the writ petition to the respondents as well as of the stay application, returnable within a period of six weeks.

7. In the meanwhile and till next date, the possession of petitioners over the *pattasud* land qua which patta was issued on 17.08.1996 (Annex.1) shall not be disturbed.

8. Needless to observe that if the petitioners are having possession beyond the *pattasud* land, the respondents would be free to proceed in accordance with law.

(SUNIL BENIWAL),J

4-AbhishekK/-