

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

S.B. Civil Writ Petition No. 20375/2025

1. Kailash Chand Kumawat S/o Shobha Lal Kumawat, Aged About 48 Years, Resident Of Sareri, Tehsil- Antali, District Bhilwara, (Raj.).
2. Ganesh Kumawat S/o Shobha Lal Kumawat, Aged About 44 Years, Resident Of Sareri, Tehsil- Antali, District Bhilwara, (Raj.).

----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary Department Of Revenue Government Of Rajasthan, Secretariat Jaipur, (Raj.).
2. State Of Rajasthan, Through District Collector, Bhilwara (Raj.).
3. Sub-Divisional Officer, Gulabpura, District Bhilwara (Raj.).
4. Tehsildar, Antali, District Bhilwara (Earlier Tehsildar, Hurda).
5. Gram Panchayat Sareri, Through Sarpanch, Gram Panchayat Sareri, Tehsil- Antali, District Bhilwara, (Raj.).

----Respondents

For Petitioner(s) : Mr. R.R. Ankiya.
For Respondent(s) :

HON'BLE MR. JUSTICE SUNIL BENIWAL

Order

17/10/2025

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 06.12.1964 and since then the petitioners are 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, writ petitions being S.B. Civil Writ Petition Nos.961/2025 & 968/2025 respectively were 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 06.12.1964 (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.

9. Connect with SBCWP No.20207/2025.

(SUNIL BENIWAL),J