

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

S.B. Civil Writ Petition No. 20373/2025

Pukhraj Choudhary S/o Devkaran Choudhary, Aged About 38 Years, Resident Of Jat Mohalla, Sareri, Tehsil- Antali, District Bhilwara, (Raj.).

-----Petitioner

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 petitioner submits that a patta was issued by Gram Panchayat, Sareri, Panchayat Samiti, Hurda presently Tehsil Antali, District Bhilwara on 23.06.2004 and since then the petitioner is peacefully residing by raising construction over said land.
2. Learned counsel for the petitioner 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 petitioner that based on the direction issued in the said PIL, the respondent authorities initiated the proceedings against the petitioner and some other persons. Being aggrieved, a writ petition being S.B. Civil Writ Petition No.2765/2025 was filed by the petitioner 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 petitioner 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 petitioner that the Tehsildar has issued notice on 03.10.2025 to petitioner.

5. Learned counsel for the petitioner submits that as a matter of fact, the petitioner cannot be treated as encroacher in view of the fact that he is 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 petitioner cannot be treated as encroacher and therefore, the Tehsildar has proceeded under wrong premises that petitioner is encroacher.

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 petitioner over the *pattasud* land qua which patta was issued on 23.06.2004 (Annex.1) shall not be disturbed.
8. Needless to observe that if the petitioner is 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