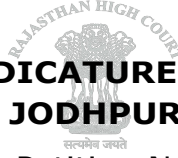




**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



D.B. Civil Writ Petition No. 23712/2025

1. Devi Singh S/o Kundan Singh, Aged About 61 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
2. Kamlesh Gurjar S/o Devi Lal, Aged About 35 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
3. Shrawan Lal Gurjar S/o Mangilal, Aged About 31 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
4. Gopi Lal Gurjar S/o Pita Lal, Aged About 41 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
5. Sita Bai W/o Dharmchand, Aged About 48 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
6. Kanchan Kunwar W/o Uday Singh, Aged About 59 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
7. Dharmchand Gurjar S/o Nathu Lal, Aged About 50 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
8. Diwan Singh Solanki S/o Uday Singh, Aged About 31 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
9. Surendra Singh Solanki S/o Devi Singh, Aged About 26 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.
10. Ramesh Gurjar S/o Devi Lal, Aged About 37 Years, R/o Village Kankariya, Tehsil Gadhbtor, District Rajsamand.

-----Petitioners

Versus

1. The State Of Rajasthan, Through, Secretary, Department Of Revenue, Government Of Rajasthan, Jaipur.
2. The District Collector (Land Record) Cum Chairman, Public Land Protection Cell, Rajsamand.
3. The Sub Divisional Officer, Gadhbtor, District Rajsamand.
4. The Tehsildar (Land Record), Gadhbtor, District Rajsamand.
5. Revenue Inspector (Land Record), Halka Sewantee,tehsil Gadhbtor, District Rajsamand.
6. Patwari (Land Record), Patwar Mandal Umarwas,tehsil Gadhbtor, District Rajsamand.



-----Respondents

For Petitioner(s) : Mr. Pradeep Sharma
For Respondent(s) : Mr. N.S. Rajpurohit, AAG

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE SANDEEP SHAH

Order

24/03/2026

1. The petitioners have preferred the present writ petition claiming the following reliefs :-

"It is, therefore, most respectfully & humbly prayed that this writ petition may kindly be allowed and an appropriate writ, order or direction:

(i) The respondents may kindly be directed to remove the encroachment the land of khasra no. 246/161 of Village Kankariya, Tehsil Gadghor, District Rajsamand by the some peoples.

(ii) By an appropriate writ, order, or direction, which this Hon'ble Court considers just, fit and proper in the facts & circumstances of the case may kindly be passed in the interest of public at large.

(iii) Cost of the litigation may kindly be awarded and same may kindly be deposited in the funds of legal aid."

2. A Division Bench of this Court in **Jagdish Prashad Meena & Ors. Vs. State of Rajasthan & Ors., D.B. Civil Writ Petition (PIL) No.10819/2018, vide order dated 30.01.2019**, has directed creation of Public Land Protection Cell (PLPC) for rural areas in every district; the relevant portion of the order reads as follows :-

"This Court is inundated with large number of writ petitions, styled as public interest litigation, from almost all the Districts of the State, with allegations of encroachment over the pasture land/ land of 'johad', 'talab'/ river/river bed/public way/ Shamshan/Kabristan



etc. In all such petitions, common allegation is that despite repeated complaints/representations to the concerned revenue officers, no steps are taken by them to remove the encroachment. This results in number of writ petitions being filed by the complainants/representationists before this Court. This Court has been passing orders in such matters requiring the respective District Collectors to examine the factual content of the allegations and take steps to remove the encroachments so as to secure such land.

In order therefore to provide a pan-Rajasthan solution to this ever persisting problem, we deem it appropriate to direct the Chief Secretary of the State to devise a permanent mechanism, which should be operational in every District of the State where the concerned District Collector should be required to periodically notify for the information of the general public to lodge the complaints/representations with regard to such encroachments with a specially designated Public Land Protection Cell (for short 'PLPC') for rural areas. The PLPC should be headed by District Collector and function under his direction and supervision. The PLPC shall get such complaints/representations enquired into by deputing concerned Sub Divisional Officer/Tehsildar/Naib Tehsildar so as to verify whether or not such encroachments have actually taken place on such land. If the allegations are found to be substantiated, appropriate steps in accordance with law be immediately taken for removal of the encroachments and appropriate penal action be also taken against the trespassers. The complaints/representations received in the PLPC should be decided by passing speaking order, informing the respective complainant/representationist about the action taken. This would obviate the necessity of such complainants/ representationists approaching this Court directly by way of public interest litigation. If this practice is put in place, this Court would not be inclined to directly entertain such public interest litigation or would do so only in the event of inaction on the part of the concerned PLPC.

*The PLPC aforementioned shall also keep in view the guidelines issued by the Supreme Court in **Jagpal Singh & Others Vs. State of Punjab & Others, (2011) 11 SCC 396** wherein all the State Governments of the country were directed that they should prepare schemes for eviction of*



illegal/unauthorised occupants of the Gram Sabha/Gram Panchayat/Poramboke/ Shamlat land and the same must be restored to the Gram Sabha/Gram Panchayat for the common use of villagers of the village. The said scheme should provide for the speedy eviction of such illegal occupants, after giving them a show cause notice and a brief hearing. It was further held therein that long duration of the illegal encroachment/occupation of land or huge expenditure in making construction thereon or political connections of trespassers are no justification for regularising such illegal occupation. Regularisation should be permitted only in exceptional cases where lease has been granted under some government notification e.g. to landless labourers or members of Scheduled Castes/Scheduled Tribes or where there is already a school, hospital, dispensary, 'shamshan', 'kabristan' or other public utility of the like nature on the land.

*Observations of the Supreme Court in **Jagpal Singh (supra)** thus leaves no manner of doubt that removal of encroachment on all such land is a rule and regularisation an exception and that too in extremely limited number of cases, which only the Government can do by appropriate notification of the government and no other authority.*

List this matter on 14.03.2019.

A copy of this order be sent to the Chief Secretary of the State of Rajasthan, Government Secretariat, Jaipur, who shall ensure compliance of this order and do the needful for creation of Public Land Protection Cell (PLPC) for rural areas. A copy of this order be also provided to Mr. Anil Mehta, learned Additional Advocate General for compliance. "

3. Learned counsel for the petitioners submitted that the petitioners may be permitted to submit a representation before the PLPC and respondents be directed to dispose of the same within a period of two months.
4. Accordingly, the writ petition stands disposed of in view of the directions issued by the Division Bench of this Court in **Jagdish Prashad Meena (supra)** and the petitioners are at liberty to make a representation before PLPC and the respondents shall decide the



same within a period of two months, from the date of receiving the certified copy of this order, strictly in accordance with law. Pending application(s), if any, also stand disposed of.

(SANDEEP SHAH),J

(DR.PUSHPENDRA SINGH BHATI),J

19-nirmala/-