



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

D.B. Writ Contempt No. 1635/2025

1. Smt. Shobha W/o Deepak Parihar, Aged About 30 Years, Ward Panch Ward No. 3, Gram Panchayat Rampura Bhatiyani, Tehsil Tinwari District Jodhpur.
2. Deepak Parihar S/o Balu Ram Parihar, Aged About 34 Years, Resident Of Ward No. 3, Gram Panchayat Rampura Bhatiyani, Tehsil Tinwari, District Jodhpur.
3. Smt. Roopwati Deora W/o Sampat Raj, Aged About 51 Years, Resident Of Bhadarva Bera, Gram Panchayat Rampura Bhatiyani, Tehsil Tinwari District Jodhpur.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Secretary, Department Of Revenue, Govt. Of Rajasthan, Secretariat, Jaipur.
2. Shri Dinesh Kumar, Secretary, Department Of Revenue, Govt. Of Rajasthan, Secretariat, Jaipur.
3. Shri Gorav Agarwal, District Collector, Jodhpur.
4. Shri Ramniwas Mehta, Sub Divisional Officer, Tinwari, Osiyan, District Jodhpur
5. Shri Surajpal Singh, Tehsildar (Revenue), Tinwari District Jodhpur.
6. Shri Utsah Choudhary, Commissioner, Jodhpur Development Authority, Jodhpur.
7. Shri Virendra Singh, Authorized Officer, Zone No. 5, Jodhpur Development Authority, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. S.S. Gaur
For Respondent(s)	:	Mr. B.S. Sodha for Mr. N.S. Rajpurohit, AAG

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL

Order(Oral)

23/03/2026

Per: Arun Monga, J.

1. The petitioners have approached this Court alleging non-compliance of the order dated 03.09.2024 passed by the Co-ordinate Bench of this Court vide which their writ petition was disposed of in the following terms:-

“XXX XXX XXX XXX

3. Having regard to the notices issued to the private persons who are alleged to have encroached upon public way, we issue a direction to the State-respondents to take a decision in the matter as early as possible preferably within a period of three months, after considering the stand taken by the notices whether notices have been challenged before any authority or Court and, of course, having regard to the nature of encroachment, if any, and the right of such persons in law.”

2. Notice of the instant contempt petition was issued to the respondents. Pursuant thereto, a reply/response has been filed.

3. For ready reference, the relevant stand taken by the respondents in preliminary submissions, being apposite, is reproduced hereinbelow:

"XXX XXX XXX XXX

(C) That with due respect it is respectfully submitted the answering respondents have not committed any deliberate and willful disobedience of order 03.09.2024. The compliance of order dated 03.09.2024 has been made and the way exiting in khasra No. 135 admeasuring 0.1538 hectare Gair Mumkin Rasta in between Khasra No. 134 and 141 is completely opened on the site and there is no encroachment over the same. So the encroachment upon the way do not exist on date and same is clear from the report dated 23.05.2024. It is further pertinent to submit here that Khasra No. 145 of village Rampura Bhatiyani is now within the jurisdiction of the Jodhpur Development Authority. So the Revenue department and JDA constituted a joint team and earmarked encroachments, thereafter, forwarded the report to the concerned officers of JDA on 31.05.2025 and the further proceedings are being carried out by the JDA. Jodhpur Development Authority vide letter dated 03.01.2026

have informed that notices were issued in pursuant to the joint survey report. However, the respondents along with their reply, filed relevant copies of pattas issued to them by the Gram Panchayat Rampura Bhatiyani. In that regard, the report was sought from the Block Development Officer, Tinwari seeking an explanation as to how the pattas came to be issued on a prohibited land. In pursuance to this, the BDO Tinwari has sent a letter dated 05.01.2026 and submitted that a Revision Petition has been preferred before the Additional District Collector Jodhpur for the cancellation of aforesaid pattas. Thus, in view of the same, till the pattas get cancelled by a quasi judicial order, the answering respondents are under a disability to remove the encroachments or decide the issue of encroachments finally. As on date the alleged encroachers have valid pattas so they cannot be termed as encroachers at this point of time. Therefore, the answering respondents are in the process to make the prohibited land free from encroachments, however, the answering respondents have to follow the due procedure laid down in the rules. Therefore, present contempt petition is not sustainable and same deserves to be dismissed.

The answering respondent always remained keen and vigilant to comply the orders of the Hon'ble Court and same are always complied by the answering respondent in its true letter and spirit, therefore, as according to the preliminary submissions submitted by the answering respondent in the present reply, the contempt notices issued to the answering respondent are liable to be discharged."

4. The factual averments contained in the reply have also not been controverted by the petitioners by filing any rejoinder or additional affidavit.
5. In view of the aforesaid stand taken by the contemners, we are of the opinion that there is no willful or deliberate non-compliance. No doubt, the decision was to be taken within a period of three months, but by following due process of law.
6. We have perused the response and are of the considered opinion that appropriate steps are underway qua the contemplated development which is to be carried out in the village in question, subject, of course, to compliance of procedural requirements to be carried out before any decision is taken for removal of the encroachments.

7. In the premise, since steps are underway, as noted hereinabove, we do not find it a case of willful disobedience of the directions issued by this Court.

8. However, it is made clear that the respondents shall continue to proceed in accordance with law and take a final decision upon the competent authority arriving at a conclusive determination qua encroachments to be removed.

9. Accordingly, the present contempt petition stands disposed of with the aforesaid observations. The contempt proceedings are, accordingly, dropped and the notice stands discharged.

10. Any pending applications also stand disposed of.

(SUNIL BENIWAL),J

(ARUN MONGA),J