

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

S.B. Civil Writ Petition No. 24930/2025

Daulat Ram

-----Petitioner

Versus

Maheshwari Sadan Trust

-----Respondent

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For Petitioner(s) : Mr. Nishank Madhan

For Respondent(s) : Mr. Ajay Vyas

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**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**22/01/2026**

1. The present writ petition has been filed challenging the order dated 12.08.2025 passed by the learned trial court rejecting the application of the petitioner-plaintiff under Order 39 Rule 1 and 2 CPC on the ground that the suit has been preferred in relation to the alleged illegal construction for which the proceedings has already been initiated by the respondent No.8- Commissioner Municipal Corporation, Bikaner.
2. Learned counsel for the appellants submits that although the application has been rejected solely on the ground that appropriate proceedings in accordance with law is undertaken by the Municipal Corporation, Bikaner, however, no such action has been taken.
3. Learned counsel for the respondent submits that some notices in relation to the illegal construction have been issued, however, seeks time to apprise this Court the status of the action taken by the respondent No.8.

4. In these circumstances, the Commissioner Municipal Corporation, Bikaner is directed to file his personal affidavit stating the actions taken by the Municipal Corporation in relation to the alleged illegal construction which is subject matter of the present suit so also to justify the delay in concluding the said actions (if any).

5. In case, the said affidavit is not filed, the Commissioner Municipal Corporation, Bikaner is directed to remain present before this Court.

6. List the matter on 03.02.2026.

**(SANJEET PUROHIT),J**

30-Taruna/-