

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 525/2026

Shabuddin Lohar S/o Mustaq Ali, Aged About 48 Years, R/o Sultana, Tehsil Chirawa, District Jhunjhunu.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Government, Department Of Panchayat Raj And Rural Development, Government Secretariat, Jaipur.
2. The Director, Department Of Panchayat Raj And Rural Development, Government Of Rajasthan, Jaipur.
3. The District Collector, Jhunjhunu, District Jhunjhunu.
4. Sub Divisional Officer, Chirawa, District Jhunjhunu.
5. The Tahsildar And Executive Magistrate, Chirawa, District Jhunjhunu.
6. Naib Tehsildar, Chirawa, Tehsil Chirawa, District Jhunjhunu.
7. Jitendra Singh S/o Shri Laxman Singh, R/o Sultana, Tehsil Chirawa, District Jhunjhunu.

-----Respondents

For Petitioner(s)	:	Mr. J.K. Moolchandani
For Respondent(s)	:	

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

19/02/2026

1. Learned counsel for the petitioner submits that a Notice dated 08.04.2025 under Section 91 of the Rajasthan Land Revenue Act, 1956 (hereinafter referred as "**the Act of 1956**") was issued in respect of construction raised by the petitioner on a part of Khasra No.292, Village Sultana, Tehsil Chirawa, District Jhunjhunu. In response thereto, a reply dated 23.05.2025 was

submitted by the petitioner. After consideration of the same, order dated 20.06.2025 was passed by the Naib Tehsildar, Tehsil Chirawa, District Jhunjhunu, holding the petitioner to be an encroacher and directing removal of the alleged encroachment. Aggrieved thereby, the petitioner preferred Appeal No. 243/2025 before the District Collector, Jhunjhunu, which came to be decided vide order dated 17.12.2025, vide which the appeal was allowed, and the order dated 20.06.2025 passed by the Tehsildar, Tehsil Chirawa, was set aside and the matter was remanded back for fresh consideration after taking into account the evidences and after inspection of the site.

2. Learned counsel submits that despite aforesaid order dated 17.12.2025 passed by District Collector, Jhunjhunu, a fresh notice dated 30.12.2025 was issued, ignoring the fact that the earlier proceedings had culminated in remand and that the matter was required to be considered afresh in terms of the said order.

3. Learned counsel has also handed over a subsequent Notice dated 20.01.2026 issued under Section 91 of the Act of 1956, again requiring the petitioner to remove the alleged encroachment, without adherence to the directions contained in the order dated 17.12.2025.

4. Accordingly, it is prayed that the respondents be directed to consider the documents and other relevant evidence submitted by the petitioner in terms of the order dated 17.12.2025 and to take a decision on the Notice under Section 91 of the Act of 1956 strictly in accordance with law only thereafter.

5. Heard learned counsel for the petitioner.

6. Considering the aforesaid facts and the orders passed by the authorities, more particularly the order dated 17.12.2025 passed by the District Collector, Jhunjhunu, the writ petition stands disposed of with a direction to respondent No.5 - The Tehsildar, Chirawa, to conduct the proceedings strictly in terms of the directions issued vide order dated 17.12.2025. Any action in pursuance of the notice issued under Section 91 of the Act of 1956 be taken only after passing a reasoned and speaking order, after affording an opportunity of hearing to the petitioner, strictly in accordance with law. The proceedings under Section 91 of the Act of 1956 be concluded within a period of 15 days from today. Till the conclusion of the said period and for a further period of five days thereafter, no coercive action be taken against the petitioner.

7. Needless to say, this court has not expressed any opinion on merits of the case and the matter shall be decided independently, in accordance with law.

8. Accordingly, the writ petition stands disposed of.

9. Pending application(s), if any, stands disposed of.

(ANUROOP SINGHI),J