

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 918/2026

Arvind Mitra Shringi S/o Shri Satyanarayan Shringi

-----Petitioner

Versus

Municipal Council, Bundi

-----Respondent

For Petitioner(s) : Mr. Umesh Kumar Shringi

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Order

17/02/2026

1. The present writ petition has been filed assailing the order dated 06.12.2025, passed by learned Additional District Judge, No.2, Bundi, in Civil Appeal No. 23/2025, whereby while dismissing the appeal, the learned Appellate Court upheld the order dated 26.06.2025, passed by learned Civil Judge, Bundi, in Civil Misc. Case. No. 24/2025, wherein the learned Trial Court had dismissed the temporary injunction application.

2. Learned counsel for the petitioner submits that the petitioner were allotted a *patta* on 24.07.1993, for plot No.1, Ganesh Bagh Road, Near Police Line, Tehsil Bundi, District Bundi, admeasuring 30X40 feet, during the municipality auction.

3. The said *patta* was registered on 31.03.1997. On the northern side of the disputed plot, a land of about 30'X10'6" was lying vacant. However, at the time of municipality auction, the said land was not sold as the Municipality thought that it will be required for the purpose of extension of the *nala*. In 2001, a request was made by the plaintiff-petitioner that he is willing to

purchase the land existing towards the North of the Nala and will surrender the same to the Municipality, which can be utilised as nala and therefore, the strip of land which is existing between the nala and the Plot No.1 ad-measuring 30'X10'6" may be allotted to them as a strip of land. He further submits that the Municipality allotted the same strip of land admeasuring 30'X10'6" which was existing between the Nala and the auctioned plot No.1 and a registered document was executed on 15.04.2010.

4. Learned counsel for the petitioner submits that however now the notice has been issued by the Municipality stating that the petitioner is encroaching on the land of *nala* and threatened to demolish the same.

5. Learned counsel for the petitioner submits that the petitioner had filed a suit along with the temporary injunction application but both the Courts below have wrongly rejected the temporary injunction applications without taking into due consideration the material available on record.

6. Learned counsel for the petitioner submits that the learned Trial Court has in a cursory manner rejected the temporary injunction on account of the facts stated in the Commissioner Report wherein it has been found that the petitioner is in possession of land more than the land which has been sold to him.

7. Learned counsel for the petitioner further submits that the dispute is in regard to the strip of land which is falling between the auctioned plot No.1 and the *nala* and the land which has been allotted as a strip of land to the petitioner vide registered document executed on 15.04.2010 and thus, until and unless the said land is acquired no interference can be made by the

Municipality and the petitioner cannot be treated as an encroacher in the said land. He placed reliance upon Annexure 9 and 10, which is the allotment of strip of land and the map annexed with it.

8. Heard and perused the material available on record.

9. Considering the fact that the plaintiff-petitioner is the owner of land of 40X30 feets which was purchased by him in auction in the year 1993 and further, the land towards North of the existing auctioned plot a land of 30'X10'6" was allotted to the petitioner as a strip of land which was existing between the plot No. 1 and the Nala.

10. This Court thus deems it appropriate to direct that the respondent Authority are restrained from demolishing any part of land owned by the petitioner as could be seen from Annexure 10, which has been placed on record by the petitioner. However, it is made clear that the projection of 4'6" as shown beyond strip of land as shown in Annexure-10 towards *nala*, there will be no stay and the respondents will be free to demolish the same.

11. Let notices be issued to the respondent, rule is returnable within four weeks.

12. List this matter after four weeks.

(BIPIN GUPTA),J