

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3790/2026

Chote Lal Master Late Shri Arjun, Aged About 75 Years, Near
Jammanlal Ka Makan, Laxmangarh District Alwar Rajasthan

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary
Department Of Local Self Government, Government Of
Rajasthan, Government Secretariat, Jaipur Rajasthan
2. The Principal Secretary, Public Works, Government Of
Rajasthan, Government Secretariat Jaipur Rajasthan
3. Director Directorate Of Local Bodies, G-3, Rajmahal
Residency Area, Civil Lines Phatak, C-Scheme Jaipur
Rajasthan
4. Chief Engineer, Public Works Department, Nirman
Bhawan, Jacob Road, Civil Lines, Jaipur, Rajasthan
5. Assistant Engineer Public Works Department, Laxmangarh
Alwar, Rajasthan
6. Municipal Board Laxmangarh, Alwar, Rajasthan Through
Its Executive Officer.

-----Respondents

For Petitioner(s) : Ms. Swati Sharma for
Mr. Girish Khandelwal

For Respondent(s) :

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

26/02/2026

1. The present writ petition has been filed assailing the notice dated 19.01.2026 issued by Municipal Board, Laxmangarh, Alwar, under Section 245 of the Rajasthan Municipalities Act, 2009, as per which, a portion of the construction raised by the petitioner falls within the right of way for the purposes of construction of

road and thus, after holding the said portion of construction to be an encroachment, the petitioner has been directed to remove the said encroachment, failing which, the respondents will remove the same at the risk and cost of the petitioner.

2. Learned counsel submits that the petitioner has not made any encroachment whatsoever and the part of construction as mentioned in the impugned notice is under exclusive title and possession of the petitioner on the basis of valid title documents issued in his favour. Thus, under no circumstances, the petitioner could have been held as an encroacher and the construction made by him could be demolished. Learned counsel further submits that in response to the notice dated 19.01.2026, a reply dated 23.01.2026 has already been submitted by him before the respondents, however, in sheer ignorance of the same, the respondents are proceeding ahead with the impugned notice and are not paying any heed to the documents submitted by the petitioner which demonstrates his rightful title and ownership over the said plot.

3. Taking note of the above, it would be in the fitness of things to dispose of the present writ petition with the following directions :

- i. Since, as a response to the impugned notice dated 19.01.2026, the petitioner has already submitted his reply dated 23.01.2026 alongwith the several title documents and no decision has been taken by the respondents on the same till date, the respondents are directed not to proceed further with any demolition in pursuance to the notice dated 19.01.2026;

- ii. In addition to the reply and documents already filed, the petitioner would be at liberty to submit his representation alongwith any additional relevant documents pertaining to his rights and title over the land in question before the respondent authorities within a period of ten days from the date of this order, i.e. 26.02.2026;
- iii. The respondents shall consider and decide the representation of the petitioner alongwith the annexed documents within a period of thirty days from the date of this order, only after granting the petitioner due opportunity of hearing, strictly in accordance with law, by passing a reasoned and speaking order;
- iv. In the event, the respondents arrive at a decision that the petitioner has a valid title over the land on which the construction as mentioned in the order dated 19.01.2026 is raised, and the said land is required for widening of the road, it would be open for the respondents to acquire the same by following due process of law and awarding adequate compensation to the petitioner or in the alternative, by mutually negotiating the compensation for the same or by any other mutually agreed terms;
- v. In case the respondents arrive at a finding that no valid title exists in favour of the petitioner over the said land on which the construction is so raised by the petitioner or that the said construction is contrary to law and the petitioner has encroached upon the area as mentioned in the notice dated 19.01.2026, the respondents shall be at liberty to proceed further in accordance with law;

- vi. Any order passed by the respondents in pursuance of the directions contained herein, shall be duly served upon the petitioner, within a period of three days from the date of passing such order;
- vii. Any action in pursuance of the said decision by the respondents would be initiated only after a period of ten days from the date of receipt of service of the said decision/order upon the petitioner, enabling him to take appropriate legal remedies, if needed;
- viii. Needless to say that the directions issued herein are only to decide the reply/representation as submitted by the petitioner, strictly in accordance with law, and does not contemplate any decision to be taken in a particular manner.
4. With the abovesaid directions, the present writ petition is disposed of.
5. Pending application(s), if any, also stand disposed off.

(ANUROOP SINGHI),J