

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



D.B. Special Appeal Writ No. 303/2025

Smt. Murti D/o Late Shri Badliya Gurjar W/o Shri Phoolchand Gurjar, Aged About 51 Years, R/o Jainpurbas, Tehsil Behror, District Alwar (Rajasthan).

----Appellant

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Department Of Revenue, Government Secretariat, Jaipur (Rajasthan).
2. The Sub Divisional Officer, Behror District Alwar (Rajasthan).
3. The Tehsildar, Behror, District Alwar (Rajasthan).

----Respondents

For Appellant(s) : Mr. Anil Mehta, Senior Advocate
assisted by Mr. Ran Vijay Singh

**HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ANAND SHARMA**

Order

09/04/2025

1. Heard on admission.
2. Mr. Anil Mehta, learned Senior Advocate contended that the writ petition was filed by the appellant aggrieved by non-execution of a decree passed in her favour after full-fledged trial by the Revenue Court for handing over the possession of the disputed lands. He argued that though in a long pending Revenue Execution Case No.10/1999, an order was passed in appellant's favour on 11.10.2002 by the Sub-Divisional Officer, Behror, District Alwar, for one reason or the other, possession has not been handed over and

the appellant is unable to reap the fruits of the order passed in her favour long back.

3. It is further submitted that the status-quo order passed in the civil suit on 07.09.2021 would not come in the way of execution of decree passed in the revenue suit, as that judgment and decree has not been stayed.

4. Having gone through the material on record and the order passed by the learned Single Judge, we are of the view that as long as status-quo order dated 07.09.2021 passed in the civil suit filed by Ramswaroop, is in force and operative, the prayers in the writ petition for handing over the possession in furtherance of order dated 11.10.2002 passed in Revenue Execution Case No.10/1999, cannot be granted. The appellant admittedly, is party to the proceedings in the civil suit, where status-quo order was passed on 07.09.2021 and that is in respect of the lands in dispute involved in the revenue suit. Irrespective of the merits of order dated 07.09.2021 passed in the civil suit, the petition for issuance of writ of mandamus for handing over the possession of the lands, which is subject matter of dispute in the civil suit, cannot be granted.

5. Learned Senior Counsel further argued that the Writ Court has imposed cost of Rs.25,000/-, which was not warranted in the facts and circumstances of the case, as the appellant was only *bonafide* pursuing her remedy to seek relief.

6. The cost has been imposed by the Writ Court, taking into consideration that even though there exists status-quo order passed by Civil Court, direction has been sought in the writ

petition that too, without impleading those, in whose favour mutation stands and who are in possession.

7. In view of above, we are not inclined to interfere with the order passed by the learned Single Judge.

8. Accordingly, the appeal is dismissed. Pending application, if any, also stands dismissed.

(ANAND SHARMA),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

RAJAT/9