

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 6318/2026

- 1 Jagdish Son Of Shri Modya, Aged About 35 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota-Raj.
- 2 Devishankar Son Of Shri Modya, Aged About 43 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota-Raj.
- 3 Prabhulal Son Of Shri Modya, (Since Deceased) Through His Legal Representatives-
 - 3.1 Ramu Bai Wife Of Late Shri Prabhulal, Aged About 50 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota.
 - 3.2 Durgashankar Saini Son Of Late Shri Prabhulal, Aged About 29 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota.
 - 3.3 Rakesh Saini Son Of Late Shri Prabhulal, Aged About 25 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota.
 - 3.4 Rekha Daughter Of Late Shri Prabhulal, Aged About 31 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota.
 - 3.5 Jyoti Daughter Of Late Shri Prabhulal, Aged About 27 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota.
- 4 Bhanwarlal Son Of Shri Modya, Aged About 63 Years, Resident Of Village Nayakheda, Tehsil Ladpura. District Kota-Raj
- 5 Laturlal Son Of Shri Modya, Aged About 40 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota-Raj.
- 6 Badam Bai Daughter Of Shri Modya Wife Of Shri Radheshyam, Aged About 58 Years, Resident Of Near Old Chungi Naka, Devpura, Bundi-Raj.
- 7 Manbhar Bai Daughter Of Shri Modya Wife Of Shri Radhakishan, Aged About 49 Years, Resident Of Village Kheda Rasulpur, Tehsil Ladpura, District Kota-Raj.
- 8 Mukesh Kumar Son Of Shri Shivprakash, Aged About 28 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota-Raj.
- 9 Manish Kumar Son Of Shri Shivprakash, Aged About 23 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota-Raj.
- 10 Rajesh Kumar Son Of Shri Shivprakash, Aged About 32

Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota-Raj.

- 11 Nandu Bai Wife Of Shri Shivprakash, Aged About 55 Years, Resident Of Village Nayakheda, Tehsil Ladpura, District Kota-Raj
- 12 Mahesh Kumar Gupta Son Of Shri Premchand Gupta, Aged About 53 Years, Resident Of Vijay Market, Ghantaghar, Kota-Raj

----Petitioners/Plaintiffs

Versus

- 1 Rajkumari Singh Daughter Of Dalchand Wife Of Shri Ranjeet Singh, Resident Of House No. 6-B-36, Opposite Narcotics Colony, Mahaveer Nagar-III, Kota-Raj.
- 2 Sanjay Sharma Son Of Late Shri Khyaliram, Resident Of Opposite Ramdev Ji Temple, Ganeshpal, Nayakheda, Kota-Raj.
- 3 Sandeep Sharma Son Of Late Shri Khyaliram, Resident Of Opposite Ramdev Ji Temple, Ganeshpal, Nayakheda, Kota-Raj.
- 4 Urban Improvement Trust, Kota Through Its Secretary.
- 5 State Of Rajasthan Through Tehsildar Ladpura, Kota-Raj.

----Respondents/Defendants

For Petitioner(s)	:	Mr. Prakash Kumar Jha
For Respondent(s)	:	Mr. Manu Bhargava

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

25/05/2026

1. The present writ petition has been filed assailing the order dated 20.02.2026, passed by the learned Additional District Judge No. 6, Kota, in Civil Misc. Appeal No. 115/2023, whereby the learned Appellate Court, while dismissing the appeal preferred by the plaintiffs-petitioners, upheld the order dated 18.08.2023 passed by the learned Additional Civil Judge No. 1 (North), Kota, in Civil Misc. Case No. 41/2023, whereby the application for

temporary injunction filed by the plaintiffs-petitioners was dismissed.

2. Learned counsel for the petitioners submits that, due to certain erroneous proceedings and mistakes committed by the Settlement Officers, the land belonging to the petitioners was wrongly recorded in the name of the defendants. In this regard, proceedings before the Revenue Court are pending, wherein a stay order has also been granted.

3. Learned counsel for the petitioners further submits that despite the aforesaid stay order, the respondents are bent upon raising construction over the disputed property and, therefore, they are required to be restrained from making any construction thereon.

4. Per contra, learned counsel for the respondents submits that approval from the Department of Tourism, Government of Rajasthan, has been obtained in respect of the disputed property. He further submits that the proceedings before the Revenue Court are still pending and no final order regarding correction of the settlement proceedings has yet been passed. Therefore, unless and until such correction is allowed, the respondents, being recorded owners, cannot be restrained from enjoying the fruits of the property.

5. Heard learned counsel for the parties and perused the material available on record.

6. This Court finds that both the Courts below have concurrently held against the petitioners and have found that no *prima-facie* case, balance of convenience, or irreparable loss has been made out in their favour. This Court further finds that, as per

the petitioners' own submissions, revenue proceedings are already pending and a stay order is operating therein.

7. In view of the above, this Court finds no error warranting interference in exercise of its writ jurisdiction under Article 227 of the Constitution of India.

8. Consequently, the present writ petition is hereby dismissed.

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

(BIPIN GUPTA),J

2/MAHIMA