

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 11153/2011
CNR: RJHC020181072011 | URN: CW / 18880U / 2011

Suo Motu

-----Petitioner

Versus

State Of Raj

-----Respondent

Connected With

D.B. Civil Writ Petition No. 5102/2019
CNR: RJHC020226762019 | URN: CW / 8849U / 2019

Pyar Singh Meena S/o Ramesh Chand Meena

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

D.B. Civil Writ Petition No. 8224/2019
CNR: RJHC020342842019 | URN: CW / 14436U / 2019

Raj Kumar Meena S/o Girraj Prasad Meena

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

D.B. Civil Writ Petition No. 16799/2024
CNR: RJHC020929332024 | URN: CW / 34963U / 2024

Suo Motu- In The Matter Of Save The Rivers, Lakes And Water Bodies

-----Petitioner

Versus

Union Of India

-----Respondent

For Petitioner(s)

:

Dr. Abhinav Sharma, Amicus Curiae
through VC with Mr. Vishal Choudhary
Dr. Ganesh Parihar
Mr. MS Raghav with
Mr. Vishvas Saini &
Mr. Mananjay Singh

Mr. Ranvijay Singh
Mr. Parth Singh Dhakad for
Mr. Pradeep Choudhary
Ms. Muskan Verma
Ms. Palak Sinha &
Mr. Umang Jain

For Respondent(s) : Mr. Rajendra Prasad, Advocate General
assisted by Mr. Sheetanshu Sharma
Mr. RD Rastogi, Sr. Advocate through
VC assisted by Mr. Devesh Yadav
Mr. BS Chhaba, AAG assisted by
Mr. Vinayam Saran, AAAG,
Ms. Mahi Choudhary &
Ms. Eva Jhajharia
Mr. Rakesh Choudhary on behalf of
Mr. Bharat Vyas, ASG
Mr. SS Hora
Mr. Amit Kuri with
Mr. Ayush Sharma &
Mr. Dharma Ram
Mr. Sunil Sharma

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

13/08/2026

1. In terms of the directions issued by us on 30.07.2026, Mr. Rajendra Prasad, learned Advocate General has placed before us an affidavit of the District Collector of its compliance. Documents have been placed and a list of encroachers in the catchment area of the rivers and the small drains which fall in the flow of water towards Ramgarh dam have been enlisted. The names of the encroachers have also been mentioned. At several places, the government land and river bed have been freshly cultivated by the encroachers and in several places the drains have been filled up changing the natural course of drains.

2. Learned Advocate General has submitted that a drive to remove all the encroachments on the way is continuing in all cases where the notices have already been issued under Section 91 of the Land Revenue Act, 1956 (for short 'the Act of 1956') and under Section 72 of the Jaipur Development Authority Act, 1982 (for short 'the Act of 1982') and actions are being taken to remove such encroachments. However, there are several encroachers to whom no notice could be given so far, but they are enlisted in the list attached with this affidavit. Affidavit also contains report regarding places where the encroachments have been removed by the concerned Tehsildars and Revenue Officers.

3. Having noticed the affidavit, we find that there are huge number of encroachments which have been identified in the five tehsils namely, Andhi, Jamwa Ramgarh, Amer, Shahpura and Viratnagar. Such encroachments need to be removed. These are the persons who are ranked trespassers on government land. They have no authority in law to continue in possession of the land which is in the nature of *gair mumkin nalla*, *gair mumkin pahad*, *charagah land*, *nadi* or similar nature and which fall in the direct catchment area or in the flow of the water of the said rivers flowing towards the lake.

4. We find that the encroachers are in huge number, therefore, it may take long time for individual notices under Section 91 of the Act of 1956 and under Section 72 of the Act of 1982, to be served. As per law, they are required to be notified and given at least 15 days' time to remove the encroachments at their own level before the State Government and its functionaries to take action.

5. We, therefore, direct that the list, as enclosed with this affidavit relating to encroachers of all the concerned revenue villages and tehsils, be notified by a general publication in two newspapers namely 'Rajasthan Patrika' and 'Dainik Bhaskar', which have the widest publication in the State of Rajasthan as the same are published in Hindi language. It would avoid the excuse of not having been given an opportunity of being heard and of not being informed about the proceedings which have been directed to be taken against them.

6. It is made clear that if in spite of the notice as published in the newspapers, the encroachments are not removed, the State and its functionaries shall immediately take steps for removing the encroachments and all expenditure which the State and its functionaries will incur in removing the encroachment, shall have to be borne by such encroachers. In this regard, it is also made clear that if there is any rampant encroachment or any opposition is made, the State and its authorities will also be free to take up appropriate police help including registering of criminal cases for trespassing on the government property. Rule of law has to be maintained and all encroachments as listed will have to be removed so that the entire area is free from encroachment.

7. Learned Amicus Curiae has also suggested that complaints from the local citizens of the area informing about the encroachments may be allowed to be made.

8. We make it clear that if any information is received relating to encroachment by the Collector, he would take steps to get it verified and if it is found to be correct, appropriate proceedings, as above, will be initiated in those cases too.

9. The media and the journalists are also considered as eyes and ears of the public. They too have a role to play to see that encroachments are not made. Wherever they find such encroachments, they can also inform the Collector, Jaipur in this regard.

10. Let the matters come up again on 15.09.2026.

(CHANDRA SHEKHAR SHARMA),J (SANJEEV PRAKASH SHARMA),ACTING CJ