

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

S.B. Civil Writ Petition No. 7074/2026

1. Shambu Dayal Yadav Son Of Late Shri Moolchand Yadav, Aged About 69 Years, Resident Of Ward No. 15, Yadav Colony, Cantt. Neem Ka Thana, District Sikar.
2. Mahaveer Prasad Yadav Son Of Late Shri Moolchand Yadav, Aged About 71 Years, Resident Of Ward No. 15, Yadav Colony, Cantt. Neem Ka Thana, District Sikar.
3. Jagdish Prasad Yadav Son Of Late Shri Moolchand Yadav, Aged About 77 Years, Resident Of Ward No. 15, Yadav Colony, Cantt. Neem Ka Thana, District Sikar.
4. Madan Lal Son Of Late Shri Moolchand Yadav, Aged About 73 Years, Resident Of Ward No. 15, Yadav Colony, Cantt. Neem Ka Thana, District Sikar.
5. Geeta Devi Wife Of Late Shri Kailash Chand Yadav, Aged About 76 Years, Resident Of Ward No. 31, Opposite Phed Office, Neem Ka Thana, District Sikar

-----Petitioners

Versus

1. State Of Rajasthan, Through The Additional Chief Secretary Urban Development And Housing (Udh) Department, Government Secretariate Rajasthan, Jaipur.
2. The Director Of Department Of Local Self Government, Civil Line Railway Crossing, Jaipur.
3. The Collector, District Neem Ka Thana.
4. The Tehasildar, District Neem Ka Thana.
5. The Executive Officer, Nagar Palika, District Neem Ka Thana.
6. The Principal Government Gajanand Modi Senior Secondary School, District Neem Ka Thana
7. Manuhar Paradise, Through Authorize Signatory/representative Ward No. 15, Yadav Colony, Cantt. Neem Ka Thana, District Sikar.

-----Respondents

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For Petitioner(s) : Mr. Pushpendu Sharma with  
Mr. Banwarilal Sharma

For Respondent(s) :

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**HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI**

**Order**

**04/05/2026**

The present writ petition has been filed seeking a direction to the respondents to remove the illegal encroachment over the land of Khasra Nos.1841, 1864, 1865, 1867, 1868 & 1869 situated at village Neem ka Thana, Tehsil Neem Ka Thana, District Sikar recorded in the Khatedari of Education Department Rajasthan Secondary School, Neem Ka Thana.

Learned counsel for the petitioners submits that despite submission of several representations upon the respondents including the Sub Divisional Officer & Tehsildar, Neem Ka Thana, no steps are being taken to remove the encroachment over the land of Education Department Rajasthan Secondary School, Neem Ka Thana, which is their statutory obligation. He submits that the respondents be directed to take immediate action for removal of the encroachment over the land of Education Department Rajasthan Secondary School, Neem Ka Thana.

Heard. Considered.

On perusal of the material on record, this Court is satisfied that the petitioner has already submitted representations to the respondents including the Sub Divisional Officer & Tehsildar, Neem Ka Thana, apprising them of encroachment over the land of Education Department Rajasthan Secondary School, Neem Ka Thana. It is trite law that the District Collector is bound to remove the encroachment over the land of Education Department Rajasthan Secondary School, Neem Ka Thana. A coordinate Bench of this Court has, in the case of **Pawan Meena versus The State**

**of Rajasthan & Ors.: SB Civil Writ Petition No.1665/2024**

decided on 02.02.2024, held as under:-

*"Therefore, by assiduously addressing the grievance put forth by the aggrieved employees and acting as first responders, the State can very well do itself a favour and reduce the litigation before it substantially. It goes without saying that the State is patently/obviously not under the responsibility to address the representations positively in favour of the aggrieved-employees. Rather, the only requirement it ought to fulfill is that of providing a near to their grievance, and thereafter pass appropriate speaking orders in compliance of the principles of natural justice, which may or may not address the aggrieved employee's concerns to their liking. However, by said the careful consideration of the representations received by the State, even if a fraction of the grievance(s) are resolved, of which the cost is born by the State exchequer as well as the litigating employees, the litigation before the Courts wherein the State is a party shall reduce immensely.*

*Even otherwise, the State must take-away/embody the spirit of Section 89 of the Code of Civil Procedure and make a genuine attempt to redress the employee's grievances by way of speaking orders, passed in response to the representations so preferred by them.*

*It also goes without saying that rendering the representations preferred by the aggrieved employees mute, by way of non-consideration by the State, is reflective of conduct unbecoming of government servants who are tasked with the noble responsibility to serve the citizens, including the State employees, and maintain their confidence in the State. By merely adjudicating upon representations, the State shall not only lend itself a helping hand, but also extend the same courtesy to the litigants, Courts/Tribunals and also the State Exchequer, by way of reducing litigation costs.*

*In this regard, Chief Secretary for the State is directed to issue instructions to the State instrumentalities to consider the representations of aggrieved parties and dispose of the same by way of speaking orders, so that frivolous/uncalled for litigation is cut-down before the already exceedingly over-burdened courts.*

*Resultantly, in the facts and circumstances of the present case, the respondent-State is directed to pay due and timely heed to the representation preferred by the petitioner on 23.08.2023 and*

*thereafter, pass a speaking order within a period of 30 days. It is expected that the principles of natural justice shall be adhered with.*

*In terms of the directions noted above, the instant petition is disposed of.”*

In the backdrop of aforesaid precedential law, in view of the nature and controversy involved in the matter and the limited prayer made by the learned counsel for the petitioner, this writ petition is disposed of without issuing notices to the respondents with a direction to the petitioners to submit afresh representation before the District Collector, Neem ka Thana within a period of 15 days from the date of receipt of certified copy of this order. The District Collector shall decide the said representation and take necessary action with regard to the removal of the encroachment over the disputed land, if any, in accordance with law within a period of three months from the date of communication of this order.

Pending application(s), if any, also stands disposed of

(VINOD KUMAR BHARWANI),J