

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 7507/2026
URN: CW / 16443U / 2026

Govindram S/o Shri Habu Ram

-----Petitioner

Versus

State of Rajasthan, & Ors.

-----Respondents

For Petitioner(s)	:	Mr. Siddhartha Jain Mutha
For Respondent(s)	:	Mr. G.S. Gill, AAG with Ms. Shikha Sharma, Mr. Aatish Jain Mr. Gaurav Jain

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

Order

02/07/2026

1. The present petition before us raises an important issue with regard to the encroachments made on different *Nalas* and catchment areas which are required to be kept open for easy flow of water towards the nearby lakes and rivers during rainy season.
2. We have already taken a judicial notice with regard to the excessive constructions made in the catchment area resulting in stopping the water flow to the Ramgarh lake as well as to the Kukas dam. The present encroachments as alleged are stated to be in village Khatwada in Tehsil Sanganer from where the water flows towards Nevta dam. The water bodies are the only source of enriching the underground water in the desert area of Rajasthan and it is the responsibility of the State to see that the water flow is not stopped.

3. We noticed that people buy agricultural lands and construct *pakka* boundary walls resulting in stopping the flow of water to the nearby water bodies during the rainy season. While demarcation of agricultural lands is necessary to avoid any friction in the society and among the agriculturists, at the same time, it is the responsibility of each citizen to see that the catchment area to the nearby water bodies, should not be stopped by constructing *pakka* boundary walls. So far as demarcation is concerned, the same can always be done by other methods also. Even if a boundary wall is to be constructed for certain reasons then too there should be adequate way at the lower side of the boundary wall so that water may continue to flow ahead.

4. However, we find that the constructions which have been referred in the present case are *pakka* boundary walls which have stopped the flow of water. That apart, we also noticed that the *Nalas* to natural water ways have been filled up by the land owners resulting in disturbing the flow of water towards its natural course.

5. The State authorities shall take immediate steps to remove such obstructions wherever it is found, including other encroachments which may have been made on the *Nalas* and the catchment areas.

6. This order passed by us shall apply not only to the area as mentioned in the present petition but also to the entire catchment area of Ramgarh and Kukas. Also, for the said purpose, we also restrict any Civil Court to entertain civil suits relating to the catchment area. Similar restraint shall also apply to the Revenue Courts and the steps to be taken by the State for removing

encroachment has to be necessarily done immediately in view of the coming monsoon season and shall not be in any manner stop without permission of this Court.

7. List this case again on 05.08.2026 for the compliance report.

8. It is made clear that if the concerned land owners themselves provide the access for the flow of water, their other part of the property shall not be disturbed.

9. In this regard, notices have been issued by the State Authorities, which shall be published in the newspapers giving option to the land owners to open the areas if any particular area is required to be opened. The concerned Tehsildar shall also issue a notice to the concerned owners of the land for the purpose if they have not done it earlier.

(MANEESH SHARMA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

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