

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition (PIL) No. 11269/2024

Snehlata W/o Banshidhar Singh D/o Mangu Ram Choudhary

-----Petitioner

Versus

State Of Rajasthan and Ors.

-----Respondents

For Petitioner(s) : Mr. Sudhir Yadav

For Respondent(s) : Ms. Shikha Sharma, AAAG

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

28/04/2026

1. This PIL has been filed alleging encroachments on the land bearing Khasra Nos.26, 50, 57 to 60, 62, 74, 112, 113, 58/332, 57/333, 336/26, 77, 78, 115 and 43 of Village Fatehsara, Tehsil Jhunjhunu, District Jhunjhunu.
2. Learned counsel for the petitioner submits that the land recorded in the names of *Gair Mumkin* pastureland, *Gair Mumkin Rasta*, *Gair Mumkin Kuwa* and *Khel Maidan* have been encroached upon.
3. After notices were issued, the respondents have filed their reply, in which it is stated as under:

"I.....It is humbly submitted that as per revenue record, out of the land mentioned by the petitioner in the writ petition, the land of khasra No.26,50,57,60,62,74,112 and 113 situated in village Fatehsara is Gair Mumkin Charagah. Out of the land of khasra No.26, allotment of land was made for Kabristan and as such the said khasra has been created as new Khasra No.399/26 measuring 17.96 hectare. The land of KhasraNo.58/332 measuring 0.36 hectare, Gair Mumkin Khel Maidan (Play Ground) and land of khasra No.57/333 measuring 0.45 hectare, Khel Maidan (Play Ground) is recorded in the name of Government Upper Primary School, Fatehsara. The land

of khasra No.336/26 measuring 0.30 hectare is recorded as Gair Mumkin Marghat (Shamshan) and there is no encroachment over the land of khasraNo.336/26. The land of khasra No.77 measuring 0.03 hectare, khasra No.115 measuring 0.22 hectare and khasra No.43 measuring 0.16 hectare is recorded as Gair Mumkin Rasta and there is no encroachment over the land of khasra No.77, 115 and 43. The land of khasra No.78 measuring 0.06 hectare is recorded as Gair Mumkin Kuwa (Well) which is source of supply of drinking water to the villagers and there is no encroachment over the land of khasra No.78.

It is humbly submitted that on the report of Patwari Halka, in regard to encroachments over the subject charagah land, already 105 cases have been registered under section 91 of the Rajasthan Land Revenue Act, 1956 and the same are pending in the court of Tehsildar Jhunjhunu. A copy of the statement containing details of cases registered under section 91 of the Rajasthan Land Revenue Act, 1956 is submitted herewith and marked as **ANNEXURE R-1**. Thus, action against the illegal encroachers has already been initiated as per law. The present PIL petition is, therefore, not maintainable and the same deserves to be dismissed on this ground alone."

4. It has also been stated in para-II of the reply as under:

"II.....the husband of the petitioner Shri Banshidhar S/o Dalu Ram is a retired Tehsildar and he himself is an illegal encroacher. The husband of the petitioner has made illegal encroachment over 0.10 hectare land out of land of khasra No.74 measuring 4.45 hectare (Gair Mumkin Charagah) situated in village Fatehsara. Against the husband of the petitioner, proceedings under section 91 of the Rajasthan Land Revenue Act, 1956 has been initiated and caseNo. 18/2020 is pending in the court of Tehsildar Jhunjhunu. That apart, the husband of the petitioner has also encroached upon 1.0 hectare land of khasra No.113 measuring 7.65 hectare (Gair Mumkin Charagah) for which case No.27/2020 was registered against him under section 91 of the Rajasthan Land Revenue Act, 1956 in the court of Tehsildar Jhunjhunu. In the said matter, the court of Tehsildar Jhunjhunu has already passed an order dated 13.7.2023for dispossession and imposition of penalty. A copy of the order dated 13.7.2023 is submitted herewith and marked as **ANNEXURE R-2**. It appears that the husband of the petitioner in order not to dispossess from the charagah land illegally encroached upon by him, has managed to file the present PIL petition through the petitioner. The writ petition is, therefore, not maintainable and the same deserves to be dismissed on this ground also."

5. Having noted the aforesaid submissions of the respondents, we find that the State has initiated proceedings for removing the

encroachments. However, we note that after proceeding under Section 91 of the Rajasthan Land Revenue Act, 1956 (for short 'the Act of 1956'), the State Authorities do not conclude the proceedings and do not take consequential steps, as required.

6. We, therefore, direct the State Authorities to conclude the proceedings initiated by issuing notice under Section 91 of the Act of 1956 and remove the encroachers, if they have not themselves vacated the encroached premises.

7. Before taking the aforesaid steps, seven days' time may be granted to encroachers, which would also include the husband of the petitioner.

8. This PIL is kept pending for submission of compliance report.

9. List on 18.05.2026.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ