

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

S.B. Civil Writ Petition No.15194/2015

Amrood son of Hussain Khan, resident of Bharja Gaddi, Tehsil
Malarana Dungar, District Sawai Madhopur (Raj.)

-----Petitioners

Versus

1. Ruksana Son of Saleem,
2. Saleem Son Of Mumtaj,
Both Resident Of Bharja Gaddi, Tehsil Malarana Dungar,
District Swai Madhopur (Raj.)

-----Respondents

3. Sarpanch Gram Panchayat Shesha, Panchayat Samiti
Bauli, Tehsil Malarana Dungar, District Swai Madhopur
(Raj.)
4. Gram Sevak cum Secretary, Gram Panchayat Shesha,
Panchayat Samiti Bauli, Tehsil Malarana Dungar, District
Swai Madhopur (Raj.)

---Formal Respondents

5. Nafeesa W/o Sarfuddin, Aged About 40 Years, Resident Of
Bharja Garhi, Tehsil Malarna Dungar, District
Swaimadhopur.
6. Khshbina Begum W/o Sarfuddin, Aged About 29 Years,
Resident Of Bharja Garhi, Tehsil Malarna Dungar, District
Swaimadhopur.

Respondents Impleaded vide order dated 21.09.2021----

For Petitioner(s) : Mr.Raj Kamal Gaur, Adv.

For Respondent(s) : Mr.Fahad Shahid Hasan, Adv.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

08/03/2022

The matter comes up on an application No.2 dated
21.12.2021 filed on behalf of newly added respondents i.e.
Nafeesa and Khushbina Begum.

Learned counsel for the respondents submitted that
dispute in respect of same land is pending in the Civil Court, Bonli,
and temporary injunction application has also been filed by the
aforesaid respondents and interim order dated 05.03.2020 has
been passed on the temporary injunction application, where the

present petitioner has been directed to maintain status-quo on the land in dispute.

Learned counsel for the respondents submitted that the respondents apprehend that the petitioner may alienate the property or he may raise construction in the suit property and as such, prayer has been made in the application that parties may be directed to maintain status-quo.

Learned counsel Mr.Raj Kamal Gaur submitted that the suit filed by the respondents has been pending in the Civil Court and there is already status-quo order and as such, the respondents cannot be allowed to have parallel proceedings and further seeks injunction against the present petitioner.

I have heard learned counsel for the parties.

This Court finds that as per averments made by the respondents themselves, the suit for permanent injunction is pending against the present petitioner and on temporary injunction application filed by the respondents, status quo order has already been passed by Civil Court on 05.03.2020.

This Court finds that the status quo order which has already been passed by the Civil Court, further needs no clarification/modification or continuation by this Court and as such, no parallel order can be passed by this Court in the application filed by the respondents.

Accordingly, the application (IA No.2/2021) is dismissed.

Heard on stay application.

Learned counsel for the petitioner submitted that initially this Court had issued notices on 15.10.2015 and service

on respondent Nos.1 & 2 was complete, as per office report dated 08.03.2016.

Learned counsel for the petitioner submitted that the other formal respondents have also been served.

Learned counsel submitted that by impugned order dated 27.08.2015, the valid *patta* issued in favour of the petitioner has been cancelled on a revision petition filed by private respondent Nos.1 & 2.

Learned counsel submitted that the Revisional Court had no jurisdiction to cancel the validly allotted *patta* to the petitioner and if at all some remedy was to be availed by the private respondents, revision was not the appropriate remedy as the statute provides for filing of an appeal against issuance of *patta*.

Learned counsel submitted that the petitioner is in peaceful possession of the property in question and since *patta* has been cancelled, now the respondents-Gram Panchayat keeps threatening the petitioner to be evicted from plot, legally held by him.

This Court finds that no one has appeared on behalf of the respondents.

This Court, as an interim measure, directs that the Authorities would maintain status quo in respect of land in question.

List after four weeks.

(ASHOK KUMAR GAUR), J