


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13164/2024

Hanuman Sahay S/o Shri Kanhiya Lal, Aged About 90 Years, R/o Village Lakhni, Police Station Shahpura, District Jaipur, At Present Resident Of B-58, Sikar House Colony, Shastri Nagar, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through The Principal Secretary, Department Of Home, Secretariat, Jaipur.
2. Director General Of Police, Police Headquarter, Lal Kothi, Jaipur.
3. Superintendent Of Police, District Jaipur Rural, Jaipur.
4. Station House Officer, Police Station Shahpura, District Jaipur Rural, Jaipur.
5. Gopal Krishan Sharma S/o Prabhu Dayal Joshi, R/o House No.40A, Shri Ram Nagar, Murlipura, Jaipur.
6. Sita Ram Sharma S/o Hari Prasad Joshi, R/o Near Iti, Shahpura, Jaipur.
7. Kailash Chand Sharma S/o Prabhu Dayal Joshi, R/o Alkapuri, Murlipura, Jaipur.
8. Jagdish Sharma S/o Prabhu Dayal Joshi, R/o Shekhawati Colony, Sikar Road, Jaipur.

----Respondents

For Petitioner(s) : Mr. Amit Jindal

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

13/08/2024

1. Counsel for petitioner states that petitioner is in actual and physical possession over the land bearing Khasra Nos.324, 328, 329, 330, 331 at village Late Ka Bass, Shahpura, District Jaipur

and at one point of time under the proceedings under Section 145 Cr.P.C., concerned Sub-Divisional Magistrate appointed receiver, whereagainst petitioner preferred criminal revision petition. In that revision petition, the appointment of receiver was vacated and the matter was remanded, therefore, the proceedings have been culminated finally by the SDM, Shahpura, District Jaipur vide order dated 08.03.2018.

2. Learned counsel for petitioner contends that in the meanwhile, the possession of lands in question which was taken by the receiver from the petitioner, has been handed over to the petitioner on 28.02.2018 (Annx.-7) yet the private respondents, having support of the concerned police, creating hurdle to cultivate the land by the petitioner.

3. Learned counsel for petitioner contends that though the police authorities have not passed any written order, yet orally have restrained the petitioner not to cultivate the land in question.

4. Heard.

5. Issue notice to the respondents for writ petition as also of stay application.

6. Having considered the contentions of learned counsel for petitioner and perusal of the record, petitioner is at liberty to use and cultivate the lands in question and if need arises, he may seek the assistance of police to cultivate the land.

(SUDESH BANSAL),J