

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16794/2018

Deshraj Bairwa S/o Shri Nathuram Bairwa, Aged About 60 Years, Resident Of Village Near New Bootoli School, Post Baniyana, Tehsil And District Dausa (Rajasthan)

-----Petitioner

Versus

1. State Of Rajasthan, Represented Through District Magistrate, Dausa (Rajasthan)
2. Tehsildar, Lawan, District Dausa
3. Sarpanch / Secretary, Gram Panchayat Baniyana, Post Baniyana, Tehsil And District Dausa

-----Respondents

For Petitioner(s)	:	None present
For Respondent(s)	:	Mr. Neeraj Batra, GC with Mr. Gunjan Chawla Mr. Kesar Singh Shekhawat, AGC

JUSTICE ANOOP KUMAR DHAND

Order

24/07/2025

1. The instant writ petition has been preferred with the following prayer:

- (1) By issuing an appropriate writ, order direction, the respondents may be directed to issue Patta of the residential abadi land which has since been issued in the year 1975-76 by the Sarpanch of Gram Panchayat Baniyana Shri Kalyan Singh, Post Baniyana, Tehsil & District Dausa, Dausa, details of which are mentioned in Annex.1 itself;
- (2) By issuing an appropriate writ, order or direction, the respondents may kindly be directed to remove the encroachment made by the encroachers on the public way, which connects to the house of the petitioner;

(3) By issuing an appropriate writ, order or direction, the respondents may be directed to take legal action against the persons who have made encroachment / who makes further encroachment on the public way;

(4) Any other order or direction which this Hon'ble Court may deem just and proper in the facts and circumstances of the case, same may kindly be issued in favour of the petitioner.

(5) Cost of the writ petition may kindly be awarded in favour of the petitioner.

2. By way of filing this writ petition, the petitioner is seeking directions against the respondent-authorities to issue patta of residential land in his favour and another prayer has been made for issuing directions to remove the encroachment from the public way.

3. At the outset, learned counsel for the respondents submits that the encroachment from the public way has already been removed and the way has been opened and now, there is no encroachment. Counsel submits that in case, any application is submitted by the petitioner seeking patta of the subject land, the same would be considered by the authorities in accordance with law.

4. Considering the above, the instant writ petition stands disposed of granting liberty to the petitioner to approach the authorities concerned for redressal of his grievances. In case, such application is submitted by the petitioner within a period of one month from today, it is expected from the respondent-authorities to decide the said application expeditiously, as early as possible, strictly in accordance with law.

5. It is made clear that this Court has not issued any order/direction to decide the representation in a particular

manner. The respondent-authorities would be at liberty to decide the same strictly in accordance with law.

6. The stay application and all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

KuD/27