

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13743/2022
CNR: RJHC020721502022 | URN: CW / 27466U / 2022

1.

Ladhu @ Lala Son of Chitar, Resident of Gram Rediwas, Tehsil And District Tonk (Raj.)
2.

Sheoji Son of Chitar, Resident of Gram Rediwas, Tehsil And District Tonk (Raj.)
3.

Banwari Son of Chitar, Resident of Gram Rediwas, Tehsil And District Tonk (Raj.)
4.

Smt. Meera Daughter of Chitar, (Deceased)
- 4.1.

Bhanwarlal Son of Shri Mewaram
- 4.2.

Rakesh Prajapat Son of Shri Bhanwarlal
- 4.3.

Ganesh Prajapat Son of Shri Bhanwarlal
- 4.4.

Mukesh Prajapat Son of Shri Bhanwarlal
- 4.5.

Kamlesh Prajapat Son of Shri Bhanwarlal
5.

Narayan Son of Bhura
6.

Gopi Son of Bhura
7.

Nathu Son of Kalyan
8.

Prahlad Son of Kanwari Lal
9.

Smt. Prem Wife of Ramlal
10.

Smt. Santosh Daughter of Ramlal
11.

Arjun Son of Ramlal
All Resident of Gram Rediwas, Tehsil & District Tonk (Raj.)

-----Petitioners

Versus

1.

Abhay Mal Son of Ratanlal, resident of Near Civil Rediwas, Tehsil & District Tonk.
2.

Tehsildar, Tehsil Tonk.

-----Respondents

For Petitioner(s)

:

Mr. Prahlad Sharma

For Respondent(s)

:

Mr. Adhiraj Singh Rajawat
Mr. V.D. Gathala, AGC with
Ms. Vijay Laxmi

HON'BLE MR. JUSTICE ANAND SHARMA

Order

17/08/2026

1.

By way of filing this writ petition, the petitioners have challenged judgment dated 17.07.2019 passed by the Board of

Revenue, whereby appeal filed by the petitioners against judgment dated 28.07.2008 passed by the Revenue Appellate Authority (hereinafter to be referred as 'RAA') has been rejected. The petitioners have also assailed legality and validity of judgment dated 28.07.2008 passed by the RAA and have further prayed for dismissing the suit filed by the respondent-plaintiff.

2. Brief facts giving rise to the present writ petition are that plaintiff as well as defendant both purchased land from same erstwhile Khatedar-Suresh Dutt Sharma. The defendant purchased land comprising Khasra No.5490 measuring 1 Bigha 14 Biswas and 5491 measuring 17 Biswas situated in village Sarki Tonk vide registered sale deed dated 20.10.1978, whereas the plaintiff purchased land comprising Khasra No.5488 measuring 17 Biswas and 5489 measuring 2 Bighas 16 Biswas and Khasra No.5501 measuring 1 Biswas vide registered sale deed dated 14.05.1980.

3. Thus, it is clear that there is no dispute with regard to title in the instant case and the sole dispute arose when the plaintiff-respondent intended to erect fencing surrounding his land and found that some part of Khasra No.5489 was allegedly in the possession of petitioner-defendant. Thereupon, the respondent-plaintiff filed revenue suit in the Court of Assistant Collector, Tonk for recovery of possession and permanent injunction in respect of 11.9 Biswas land of Khasra No.5489. The suit was decided by the SDO, Tonk vide judgment and decree dated 24.11.2000, whereby directions were given to both the parties to maintain status quo qua the revenue record and site position in respect of Khasra Nos.5488, 5489 and 5501.

4. Feeling aggrieved, the plaintiff-respondent filed appeal before the RAA. The RAA found that the judgment was delivered by the SDO, Tonk without discussing issues and evidence led by both the parties and ultimately while allowing the appeal, SDO, Tonk decreed the suit vide judgment and decree dated 28.07.2008. The petitioners challenged the same before the Board of Revenue unsuccessfully and appeal filed by the petitioners was dismissed vide judgment and decree dated 17.07.2019. Feeling dissatisfied the petitioners have invoked writ jurisdiction of this Court.

5. During hearing of this writ petition, learned counsel for both the parties jointly submitted that since there is no dispute of title between the parties and the only dispute remains is of demarcation of respective land of plaintiff and defendant, therefore, matter can be settled by directing the revenue authorities to measure land of both the parties and to carry out demarcation of the same.

6. The aforesaid contention of learned counsels of plaintiff and defendant has also not been opposed by learned counsel for the State Government.

7. In view of the consensus arrived at between learned counsel for the parties, this Court deems it just and proper to dispose of this writ petition with directions to the Tehsildar, Kasba Sarki, District Tonk to appoint team of revenue officials in accordance with Rules for measuring land of plaintiff and defendant, as mentioned hereinabove, to carry out demarcation of the same in presence of both the parties. Before approaching at the site, the revenue officials shall give notice to both the parties

indicating date and time of the inspection. Both the parties shall remain present at the date and time indicated by the revenue officials and shall cooperate with the revenue officials for taking measurement of the land in question as well as for demarcating the same. Till then, both the parties are directed to maintain status quo.

8. The aforesaid exercise shall be carried out by the Tehsildar, Kasba Sarki, District Tonk within a period of six weeks from the date of receipt of certified copy of this order and in case, any encroachment is found of any of the parties over land of one another, then in that case, necessary action in accordance with law shall be taken by the Tehsildar, Kasba Sarki, District Tonk. The orders and decrees passed by the Court below are modified accordingly.

9. Record of the Court below be sent back.

10. Pending application(s), if any, also stand(s) disposed of.

(ANAND SHARMA),J