


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14026/2025

1. Dinesh Kumar Choudhary S/o Shri Ganesh Lal Choudhary, Aged About 67 Years, R/o D-65, Chomu House, Jaipur.
2. Smt. Sheela Choudhary W/o Shri Dinesh Kumar Choudhary, Aged About 64 Years, R/o D-65, Chomu House, Jaipur.
3. Smt. Santosh W/o Shri Madho Behari Gupta, Aged About 69 Years, R/o D-73B , Tuls Marg, Banipark, Jaipur.
4. Surya Narain S/o Shri Ram Gopal, Aged About 69 Years, R/o D-73B, Tuls Marg, Banipark, Jaipur.
5. Rambabu S/o Shri Ram Swaroop Agarwal, Aged About 57 Years, R/o D-73B, Tuls Marg, Banipark, Jaipur.
6. Sanjeev Kumar S/o Shri Mool Singh, Aged About 64 Years, R/o D-41, Malviya Regional Engineering College, Jaipur. -----Petitioners

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Revenue Department, Government Of Rajasthan, Jaipur.
2. The Tehsildar, Tehsil And District Jaipur.
3. The Patwari Halka, Village Sirsi, Tehsil And District Jaipur. -----Respondents

For Petitioner(s) : Mr. A.K. Sharma, Sr. Adv., assisted by
Mr. Shantanu Kumawat,
Mr. Rajiv Kathuria and
Mr. Naval Kishore Mali

For Respondent(s) : Mr. G.S. Gill, AAG assisted by
Mr. Manoj Choudhary,
Ms. Pooja Dixit and
Ms. Swati Thory
Mr. Subhash Chandra, Tehsildar, Tehsil
Jaipur

HON'BLE MR. JUSTICE ANUROOP SINGHI
Order

07/04/2026

1. The present writ petition has been filed by the petitioners challenging the order dated 30.01.2025 passed by the Tehsildar, Tehsil Jaipur (**Annexure-21**), which has been passed in pursuance to the order dated 11.01.2024 (**Annexure-19**) passed by a Co-ordinate Bench of this Court in **S.B. Civil Writ Petition**

No.11912/2018, titled as **Dinesh Kumar Choudhary and Ors.**
Vs. State of Rajasthan and Ors.

2. Mr. A.K. Sharma, learned Senior counsel assisted by Mr. Shantanu Kumawat, Advocate, at the very outset, submits that while the directions issued by this Court in order dated 11.01.2024 were crystal clear that the respondents were required to decide the representation of the petitioners in light of the orders passed by the learned Board of Revenue, Rajasthan, Ajmer and also by this Court, a bare perusal of the impugned order dated 30.01.2025 reveals that no consideration worth the name has been given by the respondents while passing the same and on the contrary, a mere reference to the provisions of Section 42 of the Rajasthan Tenancy Act, 1955 (hereinafter referred to as "**the Act of 1955**") has been made and on the said premise, the representation of the petitioners has been rejected.

3. Learned Senior counsel further submits that the said order dated 30.01.2025 is not only erroneous and arbitrary but is even contemptuous in nature as the same has been passed in sheer defiance and ignorance of the orders passed by this Court and so also by the learned Board of Revenue, Rajasthan, Ajmer and thus, the rights which accrue to the petitioners in consequence to the order dated 07.09.2015 (**Annexure-14**) passed by the learned Board of Revenue, Rajasthan, Ajmer, deserves to be granted to the petitioners.

4. *Per contra*, Mr. G.S. Gill, learned Additional Advocate General, submits that there are certain documents which he wishes to place on record to substantiate the order dated 30.01.2025 and thus, prays for further time to file an additional affidavit, however, he could not dispute the fact that the impugned order dated 30.01.2025 is absolutely silent with respect to any reason for rejecting the representation of the petitioners but for giving a mere reference to the provisions of Section 42 of the Act of 1955.

However, learned AAG submits that as the provisions of the Section 42 of the Act of 1955 are attracted, the representation of the petitioners has rightly been rejected.

5. Heard learned counsel for the parties and perused the record.

6. It is more than settled that rule of law is paramount and no authority much less the Tehsildar, Tehsil Jaipur, who has passed the impugned order dated 30.01.2025 can sit over any of the orders passed by higher authorities.

7. In the present case, it is the order passed by the learned Board of Revenue which stood confirmed by this Court, on the basis of which the Tehsildar was required to consider and decide the representation of the petitioners, as is evident from the bare perusal of the order dated 11.01.2024.

8. Not only the impugned order dated 30.01.2025 has been passed in sheer ignorance of the findings recorded in the order dated 07.09.2015 passed by the learned Board of Revenue, Rajasthan, Ajmer but also the order dated 24.11.2015 (**Annexure-15**) passed in **S.B. Civil Writ Petition No.15885/2015**, against which even the **D.B. Special Appeal (W) No.223/2016** was dismissed on 04.11.2016. It is also a matter of record that no challenge was made before the High Court by the State to any of these orders and at this stage, the State cannot be permitted to brush aside the said findings which have already attained finality.

9. It is also manifest that the impugned order dated 30.01.2025 lacks any reasoning worth the name but for mentioning the provisions of the Section 42 of the Act of 1955. While reasons are the heart and soul of any order, which are completely lacking in the order dated 30.01.2025, the impugned order deserves to be quashed for all the aforesaid reasons and is accordingly quashed.

10. However, the Tehsildar, Tehsil Jaipur, who is also present-in-person before this Court in compliance of the order dated 30.03.2026 is directed to decide the representation dated 23.01.2024 submitted by the petitioners afresh, strictly in accordance with the orders passed by this Court, order dated 07.09.2015 passed by the learned Board of Revenue and the order dated 24.11.2015 passed in **S.B. Civil Writ Petition**

No.15885/2015, after granting an opportunity of hearing to the petitioners, within a period of four weeks from today.

11. The petitioners are directed to appear before the Tehsildar, Tehsil Jaipur, on 15.04.2026 at 11:00 am.

12. It is made clear that the Tehsildar, Tehsil Jaipur, shall pass a well reasoned and speaking order after affording an opportunity of hearing to the petitioners, strictly in accordance with law, more particularly in light of the order dated 07.09.2015 passed by the learned Board of Revenue, Rajasthan, Ajmer and the order dated 24.11.2015 passed in **S.B. Civil Writ Petition No.15885/2015**.

13. With the above directions, the civil writ petition is allowed.

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

(ANUROOP SINGHI),J

DANISH USMANI /18