

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 20891/2025

1. Dinesh Kumar Bagoriya S/o Shri Ganesh Ram Bagoriya, Resident Of Khatikon Ka Mohalla, Town Of Chomu, District Jaipur.
2. Shimla Bagoriya W/o Shri Dinesh Kumar Bagoriya, Resident Of Khatikon Ka Mohalla, Karva Chauranu, District Jaipur, Through Her Duly Authorized Attorney Dinesh Kumar Bagoriya S/o Shri Ganesh Ram Bagoriya, Resident Of Khatikon Ka Mohalla, Kacha Charmu, Tehsil Chournu, District Jaipur.

-----Petitioners

Versus

1. Dr. Shankarlal Jat S/o Shri Rameshwar Prasad Jat, Resident Of Village Govindpurabasdi, Tehsil Shahpura, District Jaipur, Presently Resident Of Karni Vihar Third Government College, Chaukatleel Chauhu, District Jaipur.
2. Suman W/o Shri Jhawar Singh Samota, Presently Resident Of Karni Vihar Third Government College, Chomu, Kasba Chomu, Tehsil Chire, District Jaipur.
3. Kuldeep S/o Shri Dayalchand, Resident Of 223, Block D.j.j. Colony, Nangloi, New Delhi, Presently Resident Of Karni Vihar Third Government College, Kasba Chomu, Tehsil Chomu, District Jaipur.
4. Mrs. Vimla Devi W/o Shri Sanwar Mal, Resident Of Pavnda Ki Dhani, Village Wawdi, Tehsil Srimadhopur, District Sikar, Presently Resident Of Karni Vihar Third Government College, Chomu, In The Town Of Chomu, Tehsil Chomu, District Jaipur.
5. Pemaaram Jat S/o Shri Manguram Jat, Resident Of Shivsinghpura, Tehsil Shahpura, District Jaipur, Presently Resident Of Karni Vihar Third Government College, Chomu, Town Of Chomu, Tehsil Chomu, District Jaipur.
6. Banwari Lal S/o Shri Ganpat Lal, Resident Of 65, Raigaron Ka Mohalla, Gholi, Amloda, Tehsil Shahpura, District Jaipur, Presently Resident Of Karni Vihar Third Government College, Chomu, Town Of Chomu, Tehsil Chomu, District Jaipur.
7. Radhe Shyam S/o Ganpat Lal, Resident Of Raigaron Ka

Mohalla, Gholi, Amloda, Tehsil Shahpura, District Jaipur, Presently Resident Of Karni Vihar Third Government College, Chomu, Town Of Chomai, Tehsil Chomu, District Jaipur.

8. Mrs. Hansa Kanwar W/o Shri Jagmal Singh, Resident Of Barodyio Ka Bas, Village Lichana, Tehsil Navan, District Nagar, Presently Resident Of Karni Vihar Third Government College, Chomu, Town Of Chorne, Tehsil Chomu, District Jaipur.
9. Bhagwan Sahay S/o Shri Sedurum, Resident Of Sepatpura, Dhavli, Tehsil Shahpura, District Jaipur, Presently Resident Of Karni Vihar Third Government College, Chomu, Town Of Chomu, Tehsil Chomu, District Jaipur.
10. Hanuman S/o Sedurum, Resident Of Sepatpura, Dhavli, Tehsil Shahpura, District Jaipur, Presently Resident Of Karni Vihar Third Government College, Chomu, Town Of Chomu, Tehsil Chomu, District Jaipur.
11. Shanti Devi W/o Shri Jagdish Prasad, Resident Of Pakka Bandha, Tehsil Chomu, District Jaipur, Presently Resident Of Karni Vihar Third Government College, Chomu, Karba Chomu, Tehsil Chomu, District Jaipur.
12. Om Shiv Housing Cooperative Society Ltd., Through Its Secretary, Ganesh Nagar, Jhotwada, Jaipur.
13. Surajmal Bunkar S/o Shri Prabhat Bunkar, Resident Of Rajputon Ka Mohalla, Village Gulab Badi, Tehsil Shahpura, District Jaipur – Deceased
 - 13/1 Gomti Devi, W/o Surajmal
 - 13/2 Mukesh, S/o Surajmal
 - 13/3 Anita, D/o Surajmal
 - 13/4 Manish, S/o Surajmal
 - 13/5 Payal D/o Surajmal
 All Resident Of Rajputon Ka Mohalla, Village Gulab Badi, Tehsil Shahpura, District Jaipur.
14. Rajasthan Government, Through Tehsildar, Tehsil Chaughen, District Jaipur.
15. Sub-Registrar, Chomu, Tehsil Chomu, District Jaipur.

-----Respondents

For Petitioner(s) : Mr. Yunus Khan with
Mr. Rakesh Chaudhary
For Respondent(s) : Mr. K.R. Sharma

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

09/03/2026

1. The present writ petition has been filed with the following prayers:-

"In light of the facts and circumstances stated hereinabove, the humble petitioner most respectfully prays that this Hon'ble Court may be pleased to:

(a) Issue a writ of certiorari quashing and setting aside the ex-parte ad-interim injunction order dated 20.08.2024, and the order dated 13.11.2024 passed by the Revenue Appellate Authority, Jaipur; Order dated 03.06.2025 and the Order dated 30.10.2025 passed by the Board of Revenue.

(b) Direct restoration of revenue entries, including khata, khatoni and girdawari, in favour of the petitioner.

(c) Issue appropriate writ or direction, including mandamus, restraining the respondents from interfering with the petitioner's possession or alienating or altering the nature of the land.

(d) Pass any other order or direction which this Hon'ble Court deems fit in the interest of justice."

Perusal of the record reveals that vide judgment dated 29.01.2024, the suit filed by petitioner No.2 – Smt. Shimla Bagoriya wife of Shri Dinesh Kumar Bagoriya, seeking declaration and permanent injunction was decreed. Against the said judgment dated 29.01.2024, respondent No.1 preferred an appeal before

learned Revenue Appellate Authority (**RAA**), Jaipur, along with an application under Section 96 of the Code of Civil Procedure, 1908, seeking leave to file appeal as he was not a party in the suit proceedings and Section 5 of the Limitation Act, 1963, seeking condonation of delay till filing of the appeal. Vide interim order dated 20.08.2024, while keeping the application seeking condonation of delay pending, learned RAA, Jaipur, stayed the effect and operation of the judgment dated 29.01.2024. Thereafter, vide order dated 13.11.2024, the application filed by respondent No.1 was allowed and respondent No.1 was granted leave to file appeal against the judgment dated 29.01.2024.

2. Aggrieved by the order dated 13.11.2024, the petitioners filed revision petition before the learned Board of Revenue, Rajasthan, which came to be dismissed vide order dated 03.06.2025. The review application filed by the petitioner seeking review of the order dated 03.06.2025 also came to be dismissed vide order dated 30.10.2025. Being aggrieved by the said orders, the present writ petition has been filed.

3. Mr. Rakesh Chaudhary along with Mr. Yunus Khan, learned counsel for the petitioners, submit that the petitioners belong to Scheduled Caste community and the agricultural land in question being Khasra No.3695, 3696/7712, 3704/7714 and 3698 situated at Patwar Halka Chomu, Jaipur, is in khatedari of the petitioners. Learned counsel submit that the sale transaction executed by the petitioner No.2 with one Mr. Surajmal Bunkar could not reach to a logical end as the consideration was not paid and the suit filed by her for declaration and permanent injunction was decreed vide judgment and decree dated 29.01.2024.

3. Learned counsel submit that another reason for filing of the said suit was that the petitioners learnt about the fact that the said land is being actually purchased by the society and the said purchaser – Mr. Surajmal Bunkar, was merely acting on behest of the said society.

4. Learned counsel submit that as the land in question is an agricultural land owned by the petitioner(s), who is a member of Scheduled Caste community, the said land could not have been sold to any other person and respondent No.1 is erroneously claiming the ownership of the land in question and thus, the order dated 13.11.2024 granting leave to respondent No.1 to challenge the judgment and decree dated 29.01.2024 was *per se* illegal.

5. Learned counsel further submit that while the leave was granted by learned RAA on 13.11.2024, the ex-parte *ad interim injunction* was granted by learned RAA in favour of respondent No.1 on 20.08.2024 itself, which apparently reflects that the proceedings were bad in law.

6. Learned counsel submit that the learned Board of Revenue vide its order dated 03.06.2025 and the order dated 30.10.2025 has miserably failed to consider the said legal aspect and have erroneously confirmed the order dated 13.11.2024, which deserves to be set aside.

7. Learned counsel appearing on behalf of respondent No.1 submits that they are the rightful owners and have purchased the plot by way of a registered sale deed from the society and thus, no prejudice would be caused to the petitioners merely on account of the respondent No.1 being granted leave to challenge the order dated 29.01.2024.

8. Heard learned counsel for the parties and perused the material available on record.

The following facts are not disputed:-

- (i) That the petitioners belong to the Scheduled Caste community;
- (ii) The land in question is owned by the petitioners;
- (iii) The provisions of Section 42(b) of the Act of 1955 are very much applicable upon the land in question;
- (iv) Respondent No.1 does not belong to the Scheduled Caste community.

9. Taking note of the above, issue notices to respondents No.2 to 15, returnable within six weeks. Notices may also be sent through registered post in addition to normal process.

10. In the meanwhile and till further orders, the effect and operation of the order dated 20.08.2024 and 13.11.2024 passed by learned Revenue Appellate Authority, Jaipur, and 03.06.2025 and 30.10.2025 passed by learned Board of Revenue, Rajasthan, shall remain stayed.

(ANUROOP SINGHI),J