

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 19408/2025

Vijay Kumar Paharia S/o Radheshyam

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Ishan Verma for Mr. Kuldeep Singh Rathore
For Respondent(s)	:	Mr. G.S. Gill, AAG with Ms. Shikha Sharma & Ms. Rashmi Kaushik Sh. Vinod Kumar Sharma (Tehsildar, Dooni, Tonk)

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

21/04/2026

1. An application (I.A. No. 1/2026) for impleadment has been moved by one Mr. Rajesh Kumar Paharia (who is the cousin brother of the writ petitioner) stating that he has an area of *Gair Mumkin Pahad* which has not been encroached and the applicants are having *pakka makan* and are living there for last several years. He submits that there are 30 residents also living in the nearby area.
2. Upon a specific query being raised to him whether the land was ever allotted to him, he submits that there is no allotment. The applicant further submits that there is a hospital also, set up by the State.
3. It is apparent that the land belongs to the State Government and the applicant would be a land encroacher.

4. The law is very well settled that on a State property no encroachments can be allowed to be made. All the constructed houses would be treated as unauthorized.

5. The State shall take steps for removing unauthorized constructions. So far as the hospital is concerned it being an authorized construction, no disturbance is required to be made.

6. An application (I.A. No. 1/2026) for impleadment is allowed.

7. Sh. Vinod Kumar Sharma, Tehsildar present in the Court submits that unauthorized constructions have been made for last 20 years. If that being so the concerned officers of the State would be responsible for allowing such illegal constructions. The names of the concerned officers who have held the post of SDO, Tehsildar and Patwari, the names of these officers for last 20 years shall be placed before this Court by the present Tehsildar. At the same time, the Tehsildar would issue appropriate notices to the concerned persons who have built unauthorized houses in the area and after giving them opportunity of hearing, proceed in accordance with law.

8. Learned counsel appearing for the applicant submits that notices were issued under Section 91 of the Rajasthan Land Revenue Act, 1956, but no steps have been taken by them to leave the encroached area.

9. List this case again on 21.05.2026.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ