

(2019) 01 RAJ CK 0101
In the Rajasthan High Court
Case No : Civil Writ No. 393 Of 2019

Bhagaram S/o Heeraram And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 11-01-2019

Acts Referred:

Citation : (2019) 01 RAJ CK 0101

Hon'ble Judges : Sangeet Lodha, J

Bench : Single Bench

Advocate : Bharat Shrimali

Final Decision : Dismissed

Judgement

This writ petition is directed against the notices issued by the Tehsildar, Bali, to the petitioners for removal of encroachment made by them on the land measuring 2.55 Hectare comprising Khasra No.540, of Village Boya, Tehsil Bali, District Pali, pursuant to the directions issued by this Court vide order dated 04.04.2018 passed in DBCW (PIL) No.4464/2018 (Madho Singh Vs. The District Collector, Pali & Ors.).

In the said petition, petitioner therein, Madho Singh, espousing the cause of the public prayed for removal of encroachment made in Khasra Nos. 427, 428, 540 & 596 of Village Boya, categorized in the revenue record as "गैर मुमकिन आगोर तालाब" and "गैर मुमकिन नाला".

After due consideration, the Division Bench while disposing of the petition issued directions in the following terms: -

"Thus, we dispose of the petition directing the District Collector Pali to treat the present writ petition as a representation and the present order as the direction to him. The District Collector Pali shall take necessary steps to remove the encroachments and would proceed in accordance with law by issuing notice to the encroachers and thereafter ensure that the lands comprised in the four Khasra are used for the purpose as recorded in the Jamabandi. The necessary

exercise would be completed within six months from today. The petitioner shall obtain a certified copy of this order and alongwith writ petition and the annexures serve the same in the office of the District Collector, Pali."

Learned counsel appearing for the petitioners contended that the petitioners are in possession of "Abadi" land on the strength of Patta(s) issued in their favour by Gram Panchayat, Boya, however, they are being evicted from the land treating them encroachers pursuant to the directions issued by this Court, as aforesaid. Learned counsel submitted that the petitioners cannot be evicted from the land in their possession without giving them an opportunity of hearing.

It is noticed that vide order dated 04.04.2018 the Division Bench has issued categoric directions that District Collector, Pali shall take necessary steps to remove the encroachments and would proceed in accordance with law by issuing notice to the encroachers and thereafter ensure that the lands comprised in the four Khasra are used for the purpose as recorded in the Jamabandi.

In this view of the matter, obviously appropriate action for removal of encroachments shall be taken by the authority concerned after taking into consideration the stand taken by the petitioners in response to the impugned notices, regarding their possession over the land in question.

Keeping in view directions issued by the Division Bench, as aforesaid, no further directions are required to be issued in the instant writ petition.

The writ petition is, therefore, dismissed with observations above.