
(2022) 05 RAJ CK 0026

In the Rajasthan High Court

Case No : D.B. Civil Writ Petition No. 10843 Of 2021

Ratan Singh Rathore And Others

APPELLANT

Vs

State Of Rajasthan And Others

RESPONDENT

Date of Decision : 07-05-2022

Acts Referred:

Citation : (2022) 05 RAJ CK 0026

Hon'ble Judges : Sandeep Mehta, J; Vinod Kumar Bharwani, J

Bench : Division Bench

Advocate : Nikhil Dungawat, Sunil Beniwal

Final Decision : Disposed Of

Judgement

The instant writ petition in the nature of Public Interest

Litigation has been preferred by the petitioners herein with the following prayers:

"A/ By an appropriate writ order or direction, the proposal dated 10.01.2020/04.10.2021 (Annex-01) and order dated 19.02.2021 (Annex.05) & entry dated 06.07.2021 in Jamabandi (Annex.10) may kindly be quashed & set aside.

B/ By an appropriate writ order or direction, the Respondents may kindly be restrained from changing the nature of the Gochar land situated in Khasra No. 313 situated in Village Lorta Haridasota and in meantime if the same is changed then Respondents be directed to restore the same.

C/ By an appropriate writ order or direction, the Respondents may kindly be restrained from raising any type of construction on the Gochar land situated in Khasra No. 313 at Village Lorta Haridasota, Tehsil Sekhla, District Jodhpur."

The petitioner has raised a grievance against the action of the respondents in using 2.10 Bighas of Gochar land bearing Khasra No.313 at Village Lorta Haridasota, Tehsil Sekhla, District Jodhpur for the purpose of raising

construction of a Panchayat Bhawan.

Shri Sunil Beniwal, learned AAG submits that the order to allot 2.10 Bighas of land for the purpose of raising construction of Panchayat Bhawan was passed after following the due process of law. Land of equal measurement was set apart for compensating the land which was taken from the Gochar area for the purpose of raising the construction of Panchayat Bhawan. The building of Panchayat Bhawan has already been constructed. He placed reliance on the Judgment dated 20.10.2021 rendered by Division Bench of this Court in the case of Sangram Singh & Ors. vs. The State of Rajasthan & Ors. (D.B. Civil Writ Petition No.6523/2021) and implored the Court to dismiss the writ petition.

We have heard and considered the submissions advanced by learned counsel representing the petitioners and the learned AAG and, have gone through the material available on record.

We are of the firm view that the impugned action whereby, the respondents set apart 2.10 Bighas of land from the Gochar area of the Village Lorta Haridasota for construction of a Panchayat Bhawan was taken after due compliance of the statutory provisions. Land of equal area allotted for the construction of the Panchayat Bhawan has been set apart for compensating the Gochar area. The construction of the Panchayat Bhawan has already been completed and thus, no direction can be given to demolish the same.

The controversy at hand is squarely covered by the Division Bench Judgment in the case of Sangram Ram (*supra*) and hence, the instant writ petition is disposed of in light thereof.