



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT  
JODHPUR**

**(1) S. B. Civil Writ Petition No. 10255 / 2017**

Mobina Bano W/o Shri Bhanwru Khan, aged about 42 years, B/c  
Musalmaan, R/o Kalu Khan Ki Badi, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue  
Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner, Municipal Council, Nagaur.

----Respondents

**Connected With**

**(2) S. B. Civil Writ Petition No. 9709 / 2016**

Mubarik Gouri S/o Shri Alimuddin Gouri, aged about 36 years, R/o  
Behind Laxmi Tara Cinema, Islampura, Nagaur (Raj.)

----Petitioner

Versus

1. State of Rajasthan through the Director, Local Self  
Department, Rajasthan, Jaipur
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Commissioner, Municipal Council, Nagaur
5. The Chairman, Municipal Council, Nagaur

----Respondents

**(3) S. B. Civil Writ Petition No. 9710 / 2016**

Ram Kishore Jangid S/o Shri Hari Ram, age about 54 years, R/o  
Khatripura, Opposite School No. 5, Dargar Road, Nagaur

----Petitioner

Versus

1. State of Rajasthan through the Director, Local Self  
Department, Rajasthan, Jaipur
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.



4. The Commissioner, Municipal Council, Nagaur
5. The Chairman, Municipal Council, Nagaur

----Respondents

**(4) S. B. Civil Writ Petition No. 8838 / 2017**

Yakub Khan S/o Shri Fakroo Khan, aged about 43 years, B/c Musalmaan, R/o Islampura Road, Nagaur. (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(5) S. B. Civil Writ Petition No. 8839 / 2017**

Mehtab Alam S/o Late Mollana Naimuddin, aged about 21 years, B/c Musalman, R/o Kalu Khan Ki Badi, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(6) S. B. Civil Writ Petition No. 8842 / 2017**

Aziz Khan S/o Shri Moti Khan, aged about 65 years, B/c Musalman, R/o Behind Laxmi Tara Cinema, Islampura, Nagaur.

----Petitioner

Versus

1. Sate of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariate, Jaipur.

2. The District Collector, Nagaur.



3. The Sub- Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(7) S. B. Civil Writ Petition No. 8848 / 2017**

Sarwar Khan S/o Shri Nazir Khan, aged about 43 years, B/c Musalman, R/o Pagli, Presently Kalu Khan Ki Badi, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(8) S. B. Civil Writ Petition No. 8849 / 2017**

Majid Khan S/o Shri Mukarab Khan, aged about 48 years, B/c Musalman, R/o Behind Laxmi Tara Cinema, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(9) S. B. Civil Writ Petition No. 9708 / 2017**

Mardan Khan S/o Shri Alim Khan, aged about 50 years, B/c Musalman, R/o Kalu Khan Ki Badi, Behind Laxmi Tara Cinema, Nagaur (Raj.)

----Petitioner

Versus



1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(10) S. B. Civil Writ Petition No. 9709 / 2017**

Mohammed Aslam S/o Shri Mohammed Ahsan Ansari, aged about 48 years, B/c Musalmaan, R/o Bajarwada Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(11) S. B. Civil Writ Petition No. 9710 / 2017**

Jabarudin S/o Shri Munna Ji, aged about 47 years, B/c Musalmaan, R/o Behind Laxmi Tara Cinema, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents



**(12) S. B. Civil Writ Petition No. 9711 / 2017**

Ameen Khan S/o Shri Murad Khan, aged about 47 years, B/c Musalmaan, R/o Kalu Khan Ki Badi, Nagaur (Raj.)

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(13) S.B. Civil Writ Petition No. 9712 / 2017**

Abdul Vahid S/o Shri Abdul Aziz Gouri, aged about 44 years, B/c Musalmaan, R/o Pathano Ka Mohalla, Islampura, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(14) S. B. Civil Writ Petition No. 9714 / 2017**

Ahmed Khan S/o Shri Murad Khan, aged about 56 years, B/c Musalmaan, R/o Near Imamnoor Dargah, Islampura, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.



5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(15) S. B. Civil Writ Petition No. 9716 / 2017**

Bahadur Ali S/o Shir Ahmed Bax, aged about 44 years, B/c Musalmaan, R/o Nyaro Ka Mohalla, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariate, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(16) S. B. Civil Writ Petition No. 9718 / 2017**

Smt. Bashiran Begum W/o Shri Hafiz Abdurehman Gouri, aged about 45 years, B/c Musalmaan, R/o Loharo Ka Mohalla, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(17) S. B. Civil Writ Petition No. 9719 / 2017**

Alimuddin S/o Shri Mustkin Shah, aged about 54 years, B/c Musalmaan, R/o Behind Laxmi Tara Cinema, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.



3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(18) S. B. Civil Writ Petition No. 9720 / 2017**

Mohammed Sajid S/o Shri Abdul Rahim Ansari, aged about 46 years, B/c Musalmaan, R/o Niyaro Ka Mohalla, Inside Delhi Gate, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(19) S. B. Civil Writ Petition No. 9722 / 2017**

Aamna Bano W/o Late Shri Rahimudin, aged about 47 years, B/c Musalmaan, R/o Nyariyo Ka Mohalla, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(20) S. B. Civil Writ Petition No. 9723 / 2017**

Rehana Bano W/o Late Shri Babu Khan, aged about 35 years, B/c Kayamkhani, R/o Kalu Khan Ki Badi, Nagaur (Raj.).

----Petitioner



Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(21) S. B. Civil Writ Petition No. 9724 / 2017**

Wajid Ali S/o Shri Mohammed Farooq, aged about 48 years, B/c Musalmaan, R/o Delhi Gate, Islampura Road, Nagaur (Raj.)

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(22) S. B. Civil Writ Petition No. 9725 / 2017**

Abdul Salam S/o Shri Ahmeddin, aged about 48 years, B/c Teli Musalmaan, R/o Delhi Gate, Peerjado Ka Mohalla, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents



**(23) S. B. Civil Writ Petition No. 9726 / 2017**

Mumtaz Khan S/o Shri Bhure Khan, aged about 54 years, B/c Musalmaan, R/o Immamuddin Ki Dargarh Kalu Khan Ki Badi, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(24) S. B. Civil Writ Petition No. 9727 / 2017**

Sarfuddin S/o Shri Adamji, aged about 71 years, B/c Musalmaan, R/o Behind Laxmi Tara Cinema, Islampura Road, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(25) S. B. Civil Writ Petition No. 9764 / 2017**

Mohammed Ayub S/o Shri Abdul Gani, aged about 52 years, B/c Musalmaan, R/o Opp. Laxmi Tara Cinema, Islampura, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.
2. The District Collector, Nagaur.
3. The Sub-Divisional Officer, Nagaur.



4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(26) S. B. Civil Writ Petition No. 9765 / 2017**

Salauddin S/o Shri Hazi Mohammed Umar, aged about 47 years, B/c Musalmaan, R/o Mohalla Khatripura, Ward No. 29, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(27) S. B. Civil Writ Petition No. 9768 / 2017**

Din Mohammed Khan S/o Shri Samdar Khan, aged about 43 years, B/c Musalmaan, R/o Kalu Khan Ki Badi, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.

4. The Tehsildar, Nagaur.

5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(28) S. B. Civil Writ Petition No. 9769 / 2017**

Jannat Bano W/o Shri Amin Khan, aged about 62 years, B/c Musalmaan, R/o Kalu Khan Ki Badi, Nagaur (Raj.).

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.



3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

**(29) S. B. Civil Writ Petition No. 10256 / 2017**

Abdul Rashid S/o Shri Abdul Mazid, aged about 50 years, B/c Musalman, R/o Laharo Ka Mohalla, Nagaur.

----Petitioner

Versus

1. State of Rajasthan through the Secretary, Revenue Department, Rajasthan, Secretariat, Jaipur.

2. The District Collector, Nagaur.

3. The Sub-Divisional Officer, Nagaur.
4. The Tehsildar, Nagaur.
5. The Commissioner Municipal Council, Nagaur.

----Respondents

For Petitioners : Mr. Mahaveer Bishnoi

For Respondents : Mr. O.P. Boob, Government Counsel  
Mrs. Pratishtha Dave, Dy.G.C.  
Mr. Bheem Arora

**HON'BLE MS. JUSTICE NIRMALJIT KAUR**

**Order**

**03/10/2017**

**NIRMALJIT KAUR, J. (ORAL) :**

All the above mentioned writ petitions shall stand decided by this common order as the issue involved therein is identical.

The prayer in the present writ petitions is for quashing of the impugned notices dated 19.04.2017 issued by the Tehsildar,



Nagaur with a further prayer that the respondents be directed not to dispossess the petitioners from their respective land and premises in dispute.

While praying for the said relief, learned counsel for the petitioners contends that the very notice is without jurisdiction.

The said notices have been issued under Section 91 of the Rajasthan Land Revenue Act, 1956 which is only required to be issued against a person who occupies or continues to occupy the land unlawfully and is in unauthorized possession of the said land, whereas, the petitioners are bonafide purchasers.

Heard.

It is a well settled proposition of law that ordinarily a writ petition should not be entertained against a show cause notice unless the same appears to be without jurisdiction or causing a final grievance.

In the present case, Mr. O.P. Boob, learned Government Counsel has pointed out that the present petitioners have allegedly occupied the land in spite of a specific order passed by the Coordinate Bench of this Court in S.B. Civil Writ Petition No. 3854/2000 qua the same land. The Coordinate Bench of this Court vide Order dated 25.01.2002 passed in S.B. Civil Writ Petition No. 3854/2000 had specifically ordered that the parties shall maintain status quo as it existed on the said date. The petitioners have taken possession of the respective land whether in pursuance to a sale-deed or otherwise is in violation of the interim orders passed by the Coordinate Bench of this Court in



S.B. Civil Writ Petition Nos. 148/2001 and 3854/2000. Accordingly, notice were issued by the respondent authorities to show cause as to why the proceedings for eviction should not be initiated against them. Therefore, the question whether the petitioners are unlawful occupants or are encroachers requires to be examined in accordance with law for which the respondents have issued the notices impugned. The petitioners were called upon to submit their reply. Instead of replying to the notices, the petitioners have filed the present writ petitions.

In view of the above, the present writ petitions are disposed of with liberty to the petitioners to file reply to the notice under Section 91 of the Rajasthan Land Revenue Act, 1956 issued to them. This Court has no doubt that in case, such a response is submitted by the petitioners on or before 15.11.2017, the concerned authority shall consider the same in accordance with law after granting reasonable opportunity and following the principles of natural justice.

**(NIRMALJIT KAUR), J.**

Inder/62-90