



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

S.B. Civil Writ Petition No. 10855 / 2017

1. Smt. Sardara W/o Shri Fateh Khan, Aged About 69 Years
2. Abul Malik S/o Shri Fateh Khan, Aged About 41 Years, Both by Caste Musalman, Resident of Sakadiya, Tehsil Pokran, District Jaisalmer.

----Petitioners

Versus

1. State of Rajasthan Through the Secretary Water Resources Department, Govt. of Rajasthan, Jaipur.
2. The Dy. Commissioner, Colonization, Nachna, District Jaisalmer.
3. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyozana, Mohangarh, Jaisalmer.
4. The Assistant Colonization, Mohangarh, Tehsil Nachna, District Jaisalmer.

----Respondents

CONNECTED WITH

S.B. Civil Writ Petition No. 11570 / 2017

Khan Mohd Son of Mithe Khan, Aged About 62 Years, By Caste Musalman, Resident of Village Bahla, Tehsil & District Jaisalmer.

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, (Water Resources Department), Jaipur.
2. The Commissioner Colonization, Bikaner.
3. The Assistant Commissioner, Colonization, Mohangarh A, District- Jaisalmer.
4. The Tehsildar, Colonization, Tehsil Mohangarh No. 1, District Jaisalmer.
5. The Executive Engineer, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.
6. The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.

----Respondents



S.B. Civil Writ Petition No. 11584 / 2017

Tribhuwan Singh S/o Shri Chandan Singh, Aged About 30 Years,
By Caste Rajput R/o Arjana Tehsil & District- Jaisalmer.

----Petitioner

Versus

1. State of Rajasthan Through Secretary, Water Resources Department, Government of Rajasthan, Jaipur.
2. Executive Engineer, Jaisalmer (23th Division). I.G.N.P., Mohangarh District Jaisalmer.
3. Tehsildar (Colonization), Mohangarh-II, Tehsil Mohangarh District Jaisalmer.

----Respondents

S.B. Civil Writ Petition No. 11871 / 2017

Ajij Khan Son of Kabil Khan, Aged About 30 Years, By Caste Musalman, Resident of Village Bahla, Tehsil & District Jaisalmer.

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, (Water Resources Department), Jaipur.
2. The Commissioner Colonization, Bikaner.
3. The Assistant Commissioner, Colonization, Mohangarh A District Jaisalmer.
4. The Tehsildar, Colonization, Tehsil Mohangarh No. 1, District Jaisalmer.
5. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyozana, Mohangarh, Jaisalmer
6. The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.

----Respondents

S.B. Civil Writ Petition No. 12005 / 2017

Smt Noori W/o Raidhan Khan, Aged About 55 Years, By Caste Musalman, Resident of Village Jesurana, Tehsil and District Jaisalmer (Rajasthan)

----Petitioner

Versus



1. The State of Rajasthan Through the Secretary, Water Resources Department, Jaipur (Rajasthan).
2. The Commissioner Colonization, Bikaner.
3. The Deputy Commissioner Colonization, Nachna, District Jaisalmer.
4. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyojana, Mohangarh, Jaisalmer.

The Divisional Irrigation Officer and Executive Engineer, 23rd Division, Indira Gandhi Nahar Pariyojana, Mohangarh, Jaisalmer.

The Assistant Colonization, Mohangarh, Tehsil Nachana, District Jaisalmer.

The Assistant Irrigation Officer, Sub Division Ist, TMC Division, Indira Gandhi Nahar Pariyojana, Jaisalmer.

-----Respondents

S.B. Civil Writ Petition No. 12006 / 2017

Mohammad Sharif S/o Khamishe Khan, Aged About 27 Years, By Caste Musalman, Resident of Village Kunjaladi, Tehsil and District Jaisalmer (Rajasthan).

-----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Water Resources Department, Jaipur (Rajasthan).
2. The Commissioner Colonization, Bikaner.
3. The Deputy Commissioner Colonization, Nachna, District Jaisalmer.
4. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyojana, Mohangarh, Jaisalmer.
5. The Divisional Irrigation Officer and Executive Engineer, 23rd Division, Indira Gandhi Nahar Pariyojna, Mohangarh, Jaisalmer.
6. The Assistant Colonization, Mohangarh, Tehsil Nachana, District Jaisalmer.
7. The Assistant Irrigation Officer, Sub Division Ist, TMC Division, Indira Gandhi Nahar Pariyojana, Jaisalmer.

-----Respondents



S.B. Civil Writ Petition No. 12007 / 2017

Jamaldeen S/o Amardeen, Aged About 40 Years, By Caste Musalman, Resident of Village Jesurana, Tehsil and District Jaisalmer (Rajasthan).

-----Petitioner

Versus

1. The State of Rajasthan Through the Secretary, Water Resources Department, Jaipur (Rajasthan).
2. The Commissioner Colonization, Bikaner.
3. The Deputy Commissioner Colonization, Nachna, District Jaisalmer.
4. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyojana, Mohangarh, Jaisalmer.
5. The Divisional Irrigation Officer and Executive Engineer, 23rd Division, Indira Gandhi Nahar Pariyojana, Mohangarh, Jaisalmer.
6. The Assistant Colonization, Mohangarh, Tehsil Nachana, District Jaisalmer.
7. The Assistant Irrigation Officer, Sub Division Ist, TMC Division, Indira Gandhi Nahar Pariyojana, Jaisalmer.

-----Respondents

S.B. Civil Writ Petition No. 12056 / 2017

Ibrahim Khan Son of Bheri Khan, Aged About 61 Years, By Caste Musalman, Resident of Village Shekho Ka Tala, Tehsil Nachana No. 2 District Jaisalmer.

-----Petitioner

Versus

1. State of Rajasthan Through the Secretary, (Water Resources Department), Jaipur.
2. The Commissioner Colonization, Bikaner.
3. The Deputy Commissioner, Colonization, Nachna. 2, District Jaisalmer.
4. The Tehsildar, Colonization, Tehsil Nachna. 2,, District Jaisalmer.
5. The Executive Engineer, TMC Division, Indira Gandhi Nahar, Pariyojana, Mohangarh, Jaisalmer.
6. The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar, Pariyojna, Phalodi Jodhpur.

-----Respondents



S.B. Civil Writ Petition No. 12157 / 2017

Aalu Khan, Son of Aradeen, Aged About 57 Years, By Caste Musalman, Resident of Village Bahala, Tehsil and District Jaisalmer.

-----Petitioner

Versus

1. The State of Rajasthan, Through the Secretary, Water Resources Department, Government of Rajasthan, Jaipur.
2. The Commissioner Colonisation, Bikaner
3. The Assistant Commissioner, Colonisation, Mohangarh A, District Jaisalmer.
4. The Tehsildar, Colonisation, Tehsil Mohangarh A, District Jaisalmer.
5. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyojna, Mohangarh, District Jaisalmer.
6. The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar Pariyojna, Mohangarh, District Jaisalmer.

-----Respondents

S.B. Civil Writ Petition No. 12296 / 2017

Manjhi Khan Son of Badhe Khan, Aged About 60 Years, By Caste Musalman, Resident of Village Bahla, Tehsil & District Jaisalmer.

-----Petitioner

Versus

1. State of Rajasthan Through the Secretary, (water Resources Department), Jaipur.
2. The Commissioner Colonization, Bikaner.
3. The Assistant Commissioner, Colonization, Mohangarh District Jaisalmer.
4. The Tehsildar, Colonization, Tehsil Mohangarh No. 1, District Jaisalmer.
5. The Executive Engineer, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.
6. The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.

-----Respondents



S.B. Civil Writ Petition No. 12297 / 2017

Fateh Mohammed Son of Shri Dilawar Khan, Aged About 37 Years,
By Caste Musalman, Resident of Tehsil Nachna, District Jaisalmer
At Present Chak 2 GTM, Nachna, District Jaisalmer.

-----Petitioner

Versus

1. State of Rajasthan Through the Secretary, Water Resource Department, Jaipur.
2. The Commissioner, Colonization, Bikaner.
3. The Deputy Commissioner, Colonization, Nachna, District Jaisalmer.
4. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyojna, Mohangarh, Jaisalmer.
5. The Assistant Irrigation Officer, Sub Division I, TMC Division, Indira Gandhi Nahar Pariyojna, Nachna, District Jaisalmer

-----Respondents

S.B. Civil Writ Petition No. 12298 / 2017

Najarband Son of Khudu Khan, Aged About 45 Years, By Caste Musalman, Resident of Village Bharewala, Colonization Tehsil Nachana No. 2 District Jaisalmer.

-----Petitioner

Versus

1. State of Rajasthan Through the Secretary, (Water Resources Department), Jaipur.
2. The Commissioner Colonization, Bikaner.
3. The Deputy Commissioner, Colonization, Nachna, 2 District Jaisalmer.
4. The Tehsildar, Colonization, Tehsil Nachna. 2, District Jaisalmer.
5. The Executive Engineer, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.
6. The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar, Pariyojna, Phalodi, Jodhpur.

-----Respondents

S.B. Civil Writ Petition No. 12301 / 2017

Hakim Khan Son of Peer Mohd., Aged About 46 Years, By Caste Musalmal, Resident of Village Bharewala, Colonization, Tehsil Nachana No. 2 District Jaisalmer.

-----Petitioner



Versus

1. State of Rajasthan Through the Secretary, (Water Resources Department), Jaipur.
2. The Commissioner Colonization, Bikaner.
3. The Deputy Commissioner, Colonization, Nachna, District Jaisalmer.
4. The Tehsildar, Colonization, Tehsil Nachna. 2,, District Jaisalmer.
5. The Executive Engineer, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.
6. The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar, Pariyojna, Phalodi, Jodhpur.

----Respondents

S.B. Civil Writ Petition No. 12302 / 2017

Ameer Khan Son of Mehardeen Khan, Aged About 37 Years, By Caste Musalman, Resident of Village Bahla, Tehsil & District Jaisalmer.

----Petitioner

Versus

1. State of Rajasthan Through the Secretary, (Water Resources Department), Jaipur.
2. The Commissioner Colonization, Bikaner.
3. The Assistant Commissioner, Colonization, Mohangarh A District Jaisalmer.
4. The Tehsildar, Colonization, Tehsil Mohangarh No. 1, District Jaisalmer.
5. The Executive Engineer, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.
6. The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.

----Respondents

S.B. Civil Writ Petition No. 12628 / 2017

Surjan Khan Son of Sayane Khan, Aged About 45 Years, By Caste Musalman, Resident of Nachna, Tehsil & District Jaisalmer.

----Petitioner

Versus



1. State of Rajasthan Through the Secretary, (Water Resources Department), Jaipur.
2. The Commissioner Colonization, Bikaner.
3. The Deputy Commissioner, Colonization Nachna District Jaisalmer.
4. The Tehsildar, Colonization, Tehsil Nachna No. 2, District Jaisalmer.

The Executive Engineer, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.

The Assistant Engineer (Irrigation), Sub Division I, TMC Division, Indira Gandhi Nahar, Pariyojna, Mohangarh, Jaisalmer.

-----Respondents

S.B. Civil Writ Petition No. 12738 / 2017

Mohd. Rafiq S/o Kadar Khan, Aged About 63 Years, By Caste Musalman, Resident of Bahla, Tehsil & District Jaisalmer.

-----Petitioner

Versus

1. State of Rajasthan Through the Secretary Water Resources Department, Govt. of Rajasthan, Jaipur.
2. The Commissioner, Colonization, Bikaner.
3. The Dy. Commissioner, Colonization, Nachna, District-Jaisalmer
4. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyozana, Mohangarh, Jaisalmer
5. The Assistant Colonization, Mohangarh, Tehsil Nachna, District Jaisalmer.

-----Respondents

S.B. Civil Writ Petition No. 12739 / 2017

1. Gaji Khan S/o Shri Aadam Khan, Aged About 60 Years
2. Mathar Khan S/o Shri Gaji Khan, Aged About 35 Years
3. Mithe Khan S/o Shri Gaji Khan, Aged About 30 Years
4. Iliyas S/o Shri Gaji Khan, Aged About 27 Years, All Are by Caste Musalman, Resident of Basan Peer, At Present At Nachna, Tehsil Pokran, District Jaisalmer.

-----Petitioners

Versus



1. State of Rajasthan Through the Secretary Water Resources Department, Govt. of Rajasthan, Jaipur.
2. The Commissioner, Colonization, Bikaner.
3. The Dy. Commissioner, Colonization, Nachna, District Jaisalmer.
4. The Executive Engineer, TMC Division, Indira Gandhi Nahar Pariyozana, Mohangarh, Jaisalmer.

The Assistant Coloniation, Mohangarh, Tehsil Nachna, District Jaisalmer.

-----Respondents

For Petitioner(s)

: Mr. L.D. Khatri

Mr. Moti Singh

Mr. Arjun Purohit

Mr. Manas Khatri

Mr. Vinit Sandhya for Mr. Mahesh Thanvi

For Respondent(s)

: Mr. K.D. Singh

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

24/10/2017

All these writ petitions have been filed by the petitioners, who are the agriculturists, seeking relief from this Court to issue a direction to the Competent Authorities of TMC Division, Mohangarh / 23rd Division, Mohangarh / 19th Division, Jaisalmer / Charanwala Division II, Bikampur of Indira Gandhi Nahar Pariyozana Department (hereinafter to be referred as 'the IGNP Department') to include their names in *barabandi* for ensuing years 2017-18 for providing irrigation facilities to their agriculture fields.

The petitioners are claiming that either they are *Khatedars* of the agriculture land, which is in their possession, or they are in



possession of agriculture land on account of stay orders passed by the departmental authorities or the competent courts. It is submitted that as per the judgment passed by this Court on 25.01.2016 in ***Gulsher Khan Vs. State of Rajasthan & Ors.***

(S.B. Civil Writ Petition No.13842/2015) and 82 connected writ petitions they are entitled for getting irrigation facilities to their agriculture fields by inclusion of their names in the *barabandi* for the ensuing years 2017-18.

The petitioners have claimed that the disputes regarding their title of the land are either decided by the competent courts or pending in the competent courts, hence, till their rights are finally decided, they are entitled for irrigation facilities for their agriculture fields by inclusion of their names in the *barabanadi*.

Learned counsel appearing for the IGNP Department Mr. K.D. Singh has submitted that as per the judgment passed by this Court in ***Gulsher Khan's*** case (supra) and 82 connected matters, all the agriculturists, whose cases regarding title of the agriculture land, in which they are in possession, are pending before the departmental authorities or competent courts are entitled to get the irrigation facilities to their agriculture fields and their names will be included in the *barabandi* for ensuing year 2017-18.

However, it is argued that the persons, who are in unauthorised possession of the government land and are not having any stay order in their favour either from the departmental authorities or competent courts, are not entitled to get irrigation facilities and their names cannot be included in the *barabandi* for



ensuing year 2017-18.

Having heard learned counsel for the parties and having gone through the judgment passed by this Court in **Gulsher Khan's** case (supra) and 82 connected matters, all these writ petitions are disposed of with the following directions:-

1. The petitioners shall approach respective Executive Engineer of IGNP Department by 30.11.2017 and furnish documentary evidence regarding their ownership and title of the agriculture lands, which is in their possession.

2. Those petitioners, who are not having any documentary evidence regarding their ownership and title of the said agriculture land but their disputes regarding title of the said agriculture land are pending either before departmental authorities or before competent courts and stay orders are passed in their favour, can also furnish copies of said stay orders passed by the departmental authorities or competent courts in their favour by 30.11.2017.

3. The respective Executive Engineer of IGNP Department after verifying the documentary evidence, furnished by the petitioners, or after taking into consideration the stay orders passed in their favour by the departmental authorities or competent courts shall consider the cases of the petitioners for inclusion of their names in *barabandi* for ensuing year 2017-18 strictly in accordance with law.

4. It is made clear that the petitioners, who are presently getting the irrigation facilities to their agriculture fields, will



continue to get the same till next *barabandi* is fixed by the
IGNP Department.

Stay petitions also stand disposed of.

(VIJAY BISHNOI)J.

Abhishhek Kumar

S.Nos.75-91



सत्यमेव जयते