



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



S.B. Civil Writ Petition No. 11776/2025

1. Hari Ram S/o Hanumanram, Aged About 60 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
2. Baby Jain W/o Anil Kumar Jain, Aged About 66 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
3. Akash Kushwaha S/o Kashiram, Aged About 25 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
4. Rekha Devi W/o Ramesh, Aged About 35 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
5. Beeram, Aged About 40 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
6. Sumitra W/o Ghanshyam Rao, Aged About 30 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
7. Surendra Ram S/o Maga Ram, Aged About 37 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
8. Guddi Devi W/o Sukhram, Aged About 42 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
9. Paras W/o Pappu Kalbeliya, Aged About 41 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
10. Shayari W/o Sukhdev, Aged About 59 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
11. Sultana W/o Aslam, Aged About 33 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
12. Naseem W/o Firoz Khan, Aged About 33 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.





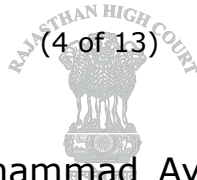
13. Zafar Hussain S/o Mohammad Sharif, Aged About 35 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
14. Sharifan W/o Mohammad Sharif, Aged About 45 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
15. Ruksana W/o Rustam, Aged About 44 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
16. Mohammad Ayub S/o Mohammad Hanif, Aged About 48 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
17. Rehana W/o Mohammad Rafiq, Aged About 37 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
18. Ahmad Hussain S/o Mohammad Hussain, Aged About 60 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
19. Sattar S/o Peeru, Aged About 28 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
20. Rehmat Belim W/o Mohammad Rafiq Belim, Aged About 57 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
21. Majid Khan S/o Gazi Meharat, Aged About 33 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
22. Munshi Khan S/o Kalu Khan, Aged About 57 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
23. Dilip S/o Hariram, Aged About 41 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
24. Manoj S/o Hariram, Aged About 33 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
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28. Najma W/o Abrar Ali, Aged About 33 Years, Resident Of Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Municipal Corporation, Jodhpur.
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45. Jhamku Devi W/o Ramuram, Aged About 62 Years, Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Nagar Nigam, Jodhpur.
46. Abdul Kalam S/o Abdul Rahman, Aged About 53 Years, Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Nagar Nigam, Jodhpur.
47. Barkat Khan S/o Naine Khan, Aged About 41 Years, Khasra No. 05, Gali No. 8, Sundar Balaji Colony, Chopasani, Nagar Nigam, Jodhpur.
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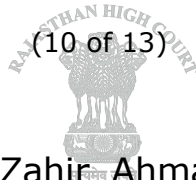
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124. Rita Devi W/o Shivdev Ram, Aged About 35 Years, Resident Of Khasra No. 05, Gali No. 8, Sunder Balaji Colony, Chopasani, Nagar Nigam, Jodhpur.

-----Petitioners

Versus

1. State Of Rajasthan, Through District Collector, Jodhpur.
2. Municipal Corporation, Jodhpur, Through Chief Executive Officer.
3. Assistant Engineer (D-3), Jodhpur Vidyut Vitran Nigam Ltd., Jodhpur.
4. Assistant Engineer, Phed, Sub Division, Jodhpur, Ratanada, Behind Police Station, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. C.S. Kotwani

For Respondent(s) : Mr. Rajesh Panwar, Sr. Advocate –
cum – AAG with Mr. Ayush Gehlot





Ms. Mehali Mehta for
Mr. Sajjan Singh Rathore, AAG

HON'BLE MR. JUSTICE SUNIL BENIWAL (VACATION JUDGE)**Order****11/06/2025**

1. The present petition has been filed with the following prayer:-

“(i) By an appropriate writ, order or direction, the impugned notices (Annex.7) may kindly be ordered to be quashed and set aside, as impugned order passed by the Vigilance Committee Jodhpur dated 17.05.2025 (Annex.6) may kindly be ordered to be quashed and set aside.

(ii) Respondents may kindly be further be directed to not to dispossess humble petitioners from the land in question, or

(iii) The respondents may kindly be directed to rehabilitate all the petitioners to some other suitable place so that they can live peacefully with their families.”

2. Succinctly stated, the facts of the case are that the petitioners, who have been residing on Khasra No. 5, situated at Chopasni Jagir, have constructed kacha-pakka houses and have been living there for the past 15 to 20 years. They possess electricity connections, Aadhaar Cards, Ration Cards, and Voter ID Cards. A complaint was submitted to the District Vigilance Committee, alleging, inter alia, certain encroachments over the catchment area of the Ummed Sagar Dam. Consequently, on 17.04.2025, the Committee decided to remove the petitioners from the area in question, treating them as encroachers. Notices were issued, to which the petitioners submitted replies. However,



the respondents have now begun dislodging the petitioners from the land in question without providing any alternative shelter. Hence, this petition.

3. Learned counsel for the petitioners submits that the petitioners have been in occupation of land falling in Khasra No. 5 of Chopasni Jagir for the past 15–20 years, during which time they constructed residential houses and obtained electricity connections. The petitioners also hold Aadhaar Cards, Ration Cards, and Voter ID Cards, which reflect their possession of the land in question.

3.1 He further submits that the respondents, without adhering to the required legal procedure, have proceeded to dispossess the petitioners by deploying bulldozers, JCBs, etc. The action of the respondents is highly arbitrary and unjust. The petitioners, having established dwelling houses, cannot be abruptly dispossessed without following due process of law and without being afforded an opportunity of hearing.

4. Per contra, learned Senior Counsel and Additional Advocate General, Shri Rajesh Panwar, submits that the petitioners do not possess any title document that would entitle them to relief from this Court under its extraordinary jurisdiction under Article 226 of the Constitution of India. It is further submitted that the petitioners are encroachers occupying land that forms part of a water body. No encroacher, it is argued, can be permitted to reside on Government land, especially land classified as a water body. The petitioners have not produced any document establishing title over the land in question.





4.1 He also submits that merely having an electricity connection or any other residential proof does not confer title, which the petitioners admittedly do not possess.

5. Heard learned counsel for the parties and perused the material available on record.

6. It is true that no document has been placed on record to suggest that any of the petitioners possess title over the land in question. It is also not disputed that the land falling in Khasra No. 5 of Chopasni Jagir is owned by the P.H.E.D. Department and forms part of the catchment area of the Ummed Sagar Dam. The Hon'ble Supreme Court as well as this Court, in numerous cases, have held that possession over land forming part of a water body cannot be regularised. The petitioners are, undisputedly, encroachers and, therefore, no indulgence can be granted by this Court. In the absence of any proof of title, the petitioners have no case for seeking relief under this Court's extraordinary writ jurisdiction.

7. The writ petition, being devoid of merit, is therefore dismissed.

8. All pending application (s), if any, also stand(s) disposed of.

(SUNIL BENIWAL (VACATION JUDGE)),J

