

2025 LiveLaw (SC) 1247

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

SANJAY KUMAR; J., ALOK ARADHE; J.

SLP (C) No. 27965 of 2025; DECEMBER 19, 2025

BHIKA RAM & ANR. versus STATE OF RAJASTHAN & ORS.

Administrative Law – Policy Decisions – Binding Nature on Government – Rajasthan Land Revenue Act, 1956 – Section 16 – Circular dated 20.08.2009 – Creation of Revenue Villages – The Supreme Court set aside a Rajasthan High Court Division Bench judgment that had allowed the naming of new revenue villages after individuals - held that Clause 4 of the State's own Circular dated 20.08.2009 explicitly mandates that the name of a Revenue Village shall not be based on any person, religion, caste, or sub-caste to maintain communal harmony.

Executive Arbitrariness – Article 14 of the Constitution of India – Held: A policy decision, though executive in nature, binds the Government - The Government cannot act in derogation of its own established policy without lawful amendment or valid justification - Any action taken contrary to such policy is arbitrary and violative of Article 14 - Since the villages "Amargarh" and "Sagatsar" were admittedly named after individuals (Amarram and Sagat Singh), the notification was in clear contravention of the policy – Appeal allowed. [Relied on *Mahabir Auto Stores & Ors. v. Indian Oil Corporation & Ors.* (1990) 3 SCC 752; *Home Secy., U.T. of Chandigarh & Anr. v. Darshjit Singh Grewal & Ors.* (1993) 4 SCC 25; *State of Punjab & Ors. v. Ram Lubhaya Bagga & Ors.* (1998) 4 SCC 117; *Paras 15-18*]

[Arising out of impugned final judgment and order dated 05-08-2025 in DBSAW No. 1055/2025 passed by the High Court of Judicature for Rajasthan at Jodhpur]

For Petitioner(s): Mr. Manish K. Bishnoi, AOR Mr. Dr.manish Singhvi, Sr. Adv. Mr. Karan Bishnoi, Adv.

For Respondent(s): Mr. Vivek Firoda, Adv. Mr. Hanuman Ram Mundan, Adv. Mr. Sharwan Kumar Godara, Adv. Mr. Shubham Jain, AOR Ms. Aneesha Rastogi, Adv. Mr. S. Udaya Kumar Sagar, AOR

J U D G M E N T

ALOK ARADHE, J.

Leave granted.

2. This appeal challenges the judgment dated 05.08.2025 passed by a Division Bench of the High Court of Judicature for Rajasthan by which appeal preferred by respondent nos. 6 to 9 was allowed and order dated 11.07.2025 passed by the learned Single Judge has been set aside. For a proper appreciation of controversy, the relevant facts, in brief, may be noted.

3. The appellants and respondent Nos. 6 to 9, are residents of village Sohda, District Barmer in the State of Rajasthan.

4. Pursuant to a proposal submitted by the Gram Panchayat Sohda, for the creation of new Revenue Villages, the Tehsildar Gida (Land Records), District Barmer, issued certificates dated 24.12.2020 stating that he had personally and thoroughly verified all the relevant aspects, concerning formation of four new Revenue Villages, namely (i) Nainoni Darziyon Ki Dhani, (ii) Sagatsar, (iii) Amargarh and (iv) Hemnagar carved out of Meghwalon Ki Dhani, Revenue Village Sohda, Patwar Mandal Sohda, District Barmer. It was specified therein that the headquarters of Revenue Villages Sagatsar and Amargarh would be at Khasra Nos.118 and 73. The certificate further recorded that the proposed

villages were not associated with any individual, religion, caste or community and there existed no dispute regarding their creation. On the same day, Tehsildar forwarded the proposal to the District Collector (Land Records), Barmer.

5. On 24.12.2020 and 29.12.2020, one Amarram and Badli Kunwar, wife of Sagat Singh, executed affidavits that they agree to donate the land for proposed Revenue Villages, namely Amargarh and Sagatsar.

6. The State Government, in exercise of the powers under Section 16 of the Rajasthan Land Revenue Act, 1956 (hereinafter, referred to as the 'the Act') issued a notification on 31.12.2020 and created several new Revenue Villages. In the said notification, Amargarh and Sagatsar from Meghwalo Ki Dhani, Revenue Village Sohda, Patwar Mandal Sohda, District Barmer, were notified as separate Revenue Villages. Consequent thereto, the District Collector on 14.01.2021 issued an order specifying the area and population of the newly constituted Revenue Villages.

7. On 10.01.2025, the Rural Development and Panchayati Raj Department, Government of Rajasthan, issued directions for reorganization, re-demarcation and creation of the new Gram Panchayats and Panchayat Samitis, authorising the District Collectors to act under Sections 9, 10 and 101 of Rajasthan Panchayati Raj Act, 1994. In furtherance thereof, a public notice dated 07.04.2025, was issued inviting objections. An objection dated 21.04.2025 was submitted by villagers of Meghwalo ki Dhani, asserting that the names of new Revenue Villages, namely 'Amargarh' and 'Sagatsar' were derived from the names of individuals.

8. The appellants approached the High Court by filing a Writ Petition challenging the validity of the notification dated 31.12.2020, insofar as it related to the creation of Revenue Villages, namely Amargarh and Sagatsar.

9. The learned Single Judge by an order dated 11.07.2025, held that the names of Revenue Villages were derived from the names of individuals, namely Amarram and Sagat Singh, who had also agreed to donate the land. The learned Single Judge by placing reliance on two Single Bench decisions of the High Court in **Moola Ram v. State of Rajasthan**¹ and **Joga Ram & Anr. v. State of Rajasthan & Ors.**², quashed the notification dated 31.12.2020 *qua* the Revenue Villages, namely Amargarh and Sagatsar. The learned Single Judge granted the liberty to rename the Revenue Villages in accordance with law.

10. Being aggrieved, respondent nos. 6 to 9, though not parties to the Writ Petition, preferred an appeal along with an application for leave to appeal. The Division Bench by the impugned order dated 05.08.2025, *inter alia* held that the benefit of decisions in **Moola Ram** and **Joga Ram** (supra) could not be extended to cases where the process was not pending at the relevant time. The Division Bench set aside the order of the learned Single Judge and allowed the appeal. In the aforesaid factual backdrop, this appeal arises for our consideration.

11. Learned counsel for the appellants contended that the Division Bench erred in overlooking the fact that the names of Revenue Villages in question were clearly based on the names of individuals, in direct violation of circular dated 20.08.2009, issued by the State Government. It is, therefore, contended that the impugned order is liable to be quashed and set aside.

¹ (S.B. Civil Writ Petition No.3470/2025) decided on 18.02.2025

² (S.B. Civil Writ Petition No.7275/2025) decided on 08.05.2025

12. On the other hand, learned counsel for the State argued that the statutory procedure prescribed for the creation of Revenue Villages had been followed and that the circular dated 20.08.2009 was merely directory. It is urged that settled issues ought not to be reopened retrospectively.

13. Learned counsel for the respondent nos. 6 to 9, while adopting the submissions made by the learned counsel for the State Government, urged that the appellants lack *locus standi* and the notification dated 31.12.2020, does not cause any legal injury to them. It is submitted that the appeal is liable to be dismissed.

14. We have considered the rival submissions made on both sides and have perused the record. Section 16 of the Act, empowers the State Government to create, abolish or alter divisions etc. Section 16 of the Act is extracted below for the facility of reference: -

“Section 16: Power to create, abolish or alter divisions etc.-

The State Government may by notification in the official Gazette-

(a) create new or abolish existing division districts, sub-districts, sub-divisions, tehsils and sub-tehsils, villages, and (b) alter the limits of any of them.”

15. The Revenue Department of the State Government issued a comprehensive circular on 20.08.2009, laying down the criteria for declaring a new Revenue Village. Clause 4 of the aforesaid Circular, which is relevant for this Appeal, reads as under: -

“4. While proposing the new Revenue Village, a proposal for its name shall also be forwarded. While deciding the name, it shall be ensured that it is not based on any person, religion, caste, or sub-caste. As far as possible, the name of the village shall be proposed with general consensus.”

Thus, Clause 4 of the Circular mandates that the name of a Revenue Village shall not be based on any person, religion, caste or sub-caste, and the same shall be proposed with the general consensus.

16. The aforesaid circular is in the nature of a policy decision. Clause 4 of the circular has been incorporated with an object to maintain communal harmony. It is well settled in law that a policy decision though executive in nature binds the Government, and the Government cannot act contrary thereto, unless the policy is lawfully amended or withdrawn. Any action taken in derogation of such a policy, without amendment or valid justification, is arbitrary and violative of Article 14 of the Constitution of India³.

17. Admittedly, the names of the Revenue Villages, namely Amargarh and Sagatsar, are derived from the names of the individuals, namely Amarram and Sagat Singh. The notification dated 31.12.2020 is, therefore, in contravention of Clause 4 of the Circular dated 20.08.2009. The State Government cannot be permitted to act in contravention of the policy framed by it, which binds it. Therefore, no legal sanctity can be attached to the impugned notification dated 31.12.2020, insofar as it pertains to Revenue Villages, namely Amargarh and Sagatsar. The Division Bench failed to consider this material aspect and erred in limiting its consideration only to the applicability of earlier decisions in **Moola Ram** and **Joga Ram** (supra). In any case, the *lis* pending before a Court is required to be adjudicated on merits.

18. In view of the foregoing discussion, the impugned judgment dated 05.08.2025, passed in D.B. Special Appeal Writ No.1055/2025 is quashed and set aside. The order

³ Mahabir Auto Stores & Ors. v. Indian Oil Corporation & Ors., (1990) 3 SCC 752, Home Secy., U.T. of Chandigarh & Anr. v. Darshjit Singh Grewal & Ors., (1993) 4 SCC 25, and State of Punjab & Ors. v. Ram Lubhaya Bagga & Ors. (1998) 4 SCC 117.

dated 11.07.2025 passed by the learned Single Judge in S.B. Civil Writ Petition no. 12422/2025 is restored.

19. In the result, the appeal is allowed. There shall be no order as to costs.

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