



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

S.B. Civil Writ Petition No. 3812/2020

Kapuraram S/o Shri Vachnaram, Aged About 51 Years, Resident
Of Aalasan, Tehsil Sayla, District Jalore (Rajasthan).

-----Petitioner

Versus

1. Bhuri Devi W/o Shri Vachnaji, Resident Of Aalasan, Tehsil Sayla, District Jalore.
2. Guman Singh S/o Shri Vachnaji, Resident Of Aalasan, Tehsil Sayla, District Jalore.
3. Ramesh Kumar S/o Shri Vachnaji, Resident Of Aalasan, Tehsil Sayla, District Jalore.
4. Uma Kanwar D/o Shri Vachnaji, Resident Of Aalasan, Tehsil Sayla, District Jalore.
5. Keshar Singh S/o Shri Vachnaji, Resident Of Aalasan, Tehsil Sayla, District Jalore.
6. Gram Panchayat Aalasan, Panchayat Samiti Sayla, District Jalore Through Its Sarpanch/Gram Sevak.

-----Respondents

For Petitioner(s) : Mr. Mool Singh Panwar.
Mr. K.L. Thakur.

For Respondent(s) : None Present

HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

Reserved on:- 11/09/2025

Pronounced on:- 06/10/2025

Uploaded on:- 06/10/2025

1. The present writ petition has been filed by the petitioner under Article 227 of the Constitution of India being aggrieved by the order dated 08.03.2016 passed by the learned Additional District Collector, Jalore in Revision Petition No.14/2015 titled as 'Kapoor Ram v. Bhuri Devi and Ors.' whereby the learned



revisional court rejected the revision petition filed by the petitioner under Section 97 of the Rajasthan Panchayati Raj Act, 1994 (the Act of 1994) against issuance of alleged *patta* dated 28.02.1983 in favor of Vachnaram S/o Roopaji Rajpurohit on the ground that a civil suit seeking permanent injunction bearing civil original suit No.90/2011 is pending adjudication before the court of Additional Senior Civil Judge No.1, Jalore.

2. Learned counsel for the petitioner submitted that the learned Additional District Collector, Jalore has grossly erred in rejecting the revision petition filed under Section 97 of the Act of 1994 on the ground of pendency of a civil suit seeking permanent injunction between the parties. He submitted that the suit for injunction cannot decide the issue pertaining to validity of a *patta* issued in the year 1983 as under Section 97 of the Act of 1994, the revenue authorities have exclusive jurisdiction to decide the same in a revision petition.

3. Learned counsel submitted that in the present case, the *patta* in question was issued in favour of late Vachnaram in the year 1983 in gross violation of the procedure provided under the Panchayati Raj Act and Rules and therefore it was the duty of the Additional District Collector, Jalore to examine the legality and validity of *patta* issued in favor of Vachnaram and record its findings with regard to the same while deciding the revision petition. The learned counsel submitted that the revision petition ought not to have been dismissed on the ground that a simple suit for injunction is pending between the parties before the competent



civil court. Learned counsel for the petitioner has placed reliance on a judgment passed by this Court in the case of "**Ghewar Chand v. State of Rajasthan**" (**S.B. Civil Writ Petition No.8887/2017**) decided on 11.08.2017.

4. Heard learned counsel for the petitioner. Perused the record of the case.

5. Having perused the case file, this Court finds that the revision petition No. 14/2015 filed by the petitioner seeking cancellation of the patta dated 28.02.1983 issued in favor of Vachnaram was rejected by the learned Additional District Collector, Jalore vide order dated 08.03.2016 on account that a civil suit seeking permanent injunction filed by the respondents against the petitioner was pending adjudication before the competent civil court.

6. The petitioner against the order dated 08.03.2016 passed by the learned Additional District Collector, Jalore has filed the present Writ Petition after a delay of more than 04 years that too when the civil suit seeking permanent injunction filed by the respondents has been decreed in their favour by the competent civil court - the Court of Additional Senior Civil Judge No.1, Jalore vide order dated 26.09.2019 whereby the petitioner has been directed not to create any obstacle, hindrance, interference in the peaceful possession of the suit property. The record of the case does not indicate as to whether the petitioner has preferred an appeal against the said decree.



7. The instant writ petition is also completely silent on the aspect as to what steps were taken by the petitioner since 1983 till filing of the revision petition before the learned Additional District Collector, Jalore in the year 2015 for seeking cancellation of the patta issued in favor of Vachnaram during his lifetime, if the same was issued in his favor in utter violation of the applicable rules. The delay in approaching the revision court without any justifiable reasons and after expiry of a reasonable time cannot be held to be bonafide or unintentional. Further, the delay also cannot be said to be bonafide for the reason that the civil suit was filed by the respondents i.e. legal representatives of Vachnaram seeking permanent injunction in the year 2010 which is prior to the filing of the revision petition.

8. In the opinion of this Court, once a civil court has already passed a decree in the matter restraining the petitioner from interfering in the peaceful possession of the suit property on the basis of the material evidence produced before it, the same cannot be interfered with by way of initiating proceedings under Section 97 of the Act of 1994. Alternatively, the petitioner is having remedy of challenging the decree passed by the learned civil court before the appellate court, if so advised.

9. In that view of the matter, this Court finds that the learned Additional District Collector, Jalore in the impugned order dated 08.03.2016 has committed no illegality in rejecting the revision petition filed by the petitioner on account that a civil suit pending adjudication between the parties.



10. Consequently, the present writ petition and stay petition are dismissed being devoid of any merit.

(KULDEEP MATHUR),J

99-Divya/-

