



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

S.B. Civil Writ Petition No. 9175/2025

Gram Panchayat, Asota, Panchayat Samiti, Ladnu Through Its
Administrator Hardyal Rulania S/o Shri Girdhari Ram, Aged 40
About Years, Resident Of Bhiyani, Tehsil Ladnu, District Nagaur
(Raj.).

-----Petitioner

Versus

1. The State of Rajasthan, Through The Secretary,
Department Of Revenue (Group-9) Secretariat, Jaipur.
2. The Chief Town Planner, Town Planning Department,
Jaipur.
3. Additional Chief Town Planner (West), Town Planning
Department, Jaipur.
4. The Senior Town Planner, Bikaner Zone, Bikaner.
5. The Municipal Council, Sujangarh District Churu Through
Its Commissioner.
6. The District Collector, Deedwana- Kuchaman.

-----Respondents

For Petitioner(s)	:	Mr. Sanjay Nahar Mr. Himanshu Ranjan Singh Bhati
For Respondent(s)	:	Mr. Monal Chug on behalf of Mr. Rajesh Panwar, AAG

HON'BLE MR. JUSTICE KULDEEP MATHUR

ORDER

14/08/2025

1. By way of filing the present writ petition under Article 226 of
the Constitution of India, the petitioner – Gram Panchayat has
prayed for the following relief:-

*"It is, therefore, most humbly and respectfully
prayed that this writ petition may kindly be allowed
and:-*

*A] By an appropriate writ order or Direction, the
letter/communication dated 06.02.20025 (Annex.8)
passed by the issued by the Commissioner, Municipal*



Council, Sujangarh District Churu may kindly be declared illegal and the same may kindly be quashed and set aside.

B] By an appropriate writ order or direction, the notification dated 24.11.2021 as well as 25.06.2021 (Annex.13) issued by the respondents by which inclusion of above villages in the Master Plan sujangarh may kindly be declared illegal and the same also kindly be quashed and set aside.

C] By an appropriate writ order or direction, the respondents may kindly be restrained from including new revenue villages namely Khanpura. Asota, Bhiyani in the periphery of Master Plan of Municipal Council, Sujangarh District Churu and any action taken or order passed for including the aforesaid revenue villages in the Master Plan of Municipal Council, Sujangarh may also kindly be declared illegal and quashed and set aside.

D] By an appropriate writ order or direction, the respondent Municipal Council, Sujangarh District Churu may further kindly be restrained from interfering in the administrative functions of the petitioner Gram Panchayat Asota.

Any other appropriate order or relief which this Hon'ble court may deem just and proper in the facts and circumstances of this case may kindly also be passed in favour of the humble petitioner."

(emphasis supplied)

2. Learned counsel for the petitioner submitted that the petitioner is a Gram Panchayat situated at District Nagaur. They submitted that vide notification dated 25.06.2021, the Chief Town Planner, Town Planning Department, Rajasthan invited objections for inclusion of Gram Panchayat, Asota in the Master Plan of Municipal Council, Sujangarh, District Churu as per the provisions of Section 5(1) of the Rajasthan Urban Improvement Act, 1959 (*hereinafter* referred to as 'the Act of 1959') and Section 3 of the Rajasthan Urban Improvement Trust (General) Rules, 1962 (*hereinafter*



referred to as 'the Rules of 1962'). The Gram Panchayat, Asota (petitioner herein) submitted its objections against the aforesaid inclusion on 09.07.2021, 23.07.2021 (Annexure 3) and 18.11.2021 (Annexure 05) respectively. However, the State Government while ignoring the objections submitted by the Gram Panchayat, Asota, included the village Asota in '**Sujangarh Master Plan 2036**' vide notification dated 24.11.2021 (Annexure 13). The learned counsel for the petitioner submitted that the notifications dated 24.11.2021 and 25.06.2021 by which certain villages including the village Asota were included in '**Sujangarh Master Plan 2036**' are highly unjust, arbitrary and illegal. They further submitted that the aforesaid notifications are detrimental to the autonomy of the Gram Panchayat as they infringe the right of the petitioner – Gram Panchayat to grant permission of land conversion in certain cases.

3. Learned counsel for the petitioner further submitted that despite the fact that as per the communication dated 08.03.2022 received by the Sarpanch of Gram Panchayat, Asota from the office of the Chief Town Planner, Town Planning Department, Rajasthan, the revenue village has not been included/merged in the Municipal Council Sujangarh, vide letter/communication dated 06.02.2025 (Annexure 08) the Commissioner Municipal Council Sujangarh has asked the Tehsildar, Ladnu to not to undertake any proceedings for land conversion from agricultural to non-agricultural purposes and issuance of *pattas* in that regard. The



letter/communication dated 06.02.2025 also mentions that the Gram Panchayat can only issue *patta* to its residents in exercise of the powers available to it under the Panchayati Raj Rules, 1996 (*hereinafter* referred to as the Rules of 1996). Learned counsel for the petitioner thus submitted that this act and action of the respondents clearly indicate that an attempt has been made to deprive the Gram Panchayat, Asota not only from effective governance but also from catering the needs of the people/residents of Gram Panchayat, Asota.

4. Learned counsel for the petitioner vehemently contended that the act and actions of the State Government in the present case are *ex-facie* illegal, arbitrary and contrary to the powers and jurisdiction available to the Gram Panchayat under the Panchayati Raj Act of 1994 (*hereinafter* referred to as the 'Act of 1994') and the Rules of 1996 framed thereunder. To substantiate this contention, learned counsel for the petitioner submitted that on the one hand, vide letter/communication dated 08.03.2022, the Sarpanch of Gram Panchayat, Asota has been given assurance that even after inclusion of the village Asota in the '**Master Plan of Sujangarh 2036**', the Gram Panchayat shall continue to enjoy all the administrative works and powers for the betterment of its people but on the other hand, by issuance of the communication/letter dated 06.02.2025, the Gram Panchayat has virtually been stripped off of all its powers including but not limited to conversion proceedings and



issuance of *patta* of land from agricultural to non-agricultural purposes.

5. On these grounds, the learned counsel implored the Court to quash and set aside the impugned notifications and communications.

6. On the contrary, learned counsel appearing on behalf of the respondents submitted that initially, on behalf of the Governor of Rajasthan as per the provisions of Section 3(1) of the Act of 1959, vide notification dated 10.01.2017, the Additional Chief Town Planner, Town Planning Department was appointed to conduct a survey of the Revenue villages proposed to be included within the Urban Area of Sujangarh and to prepare a Master Plan extending upto the Year 2036.

7. In continuation of the notification dated 10.01.2017, another notification dated 26.06.2019 was issued on behalf of the Governor of Rajasthan whereby two additional villages namely Asota and Bhiyani of Tehsil Ladnu, District Nagaur were proposed to be included in the Urban Area of Sujangarh. The Chief Town Planner, Town Planning Department, Rajasthan thereupon vide notification dated 25.06.2021 in accordance with the Section 5(1) of the Act of 1959 read with Rule 3 of the Rules of 1962 invited objection/suggestions before finalizing the Master Plan to ensure fairness and transparency in the procedure.

8. The objections submitted by the petitioner – Gram Panchayat through its Sarpanch were duly considered and the rational for inclusion of the village Asota in '**Sujangarh**



Master Plan 2036' was duly clarified in the communication dated 08.03.2022 (Annx.-06) by the Chief Town Planner, Rajashtan.

9. Learned counsel submitted that since none of the legal or vested rights of the Gram Panchayat have been affected and the petitioner has failed to demonstrate any arbitrariness with regard to issuance of impugned notifications, the instant writ petition deserves to be dismissed straightaway.

10. Drawing attention of the Court towards the writ petitioner filed by the petitioner, learned counsel submitted that neither a copy of the notification 24.09.2021 through which '**Sujangarh Master Plan 2036'** was notified in accordance with Section 7 of the Act of 1959 read with Rule 4 of the Rules of 1962 has been placed on record nor a specific challenge to the notification dated 24.09.2021 has been made in the writ petition. Learned counsel submitted that in absence of a specific challenge to the notification dated 24.09.2021, through which village Asota has been included in the 'Urban Area' of Sujangarh, no relief as prayed for can be granted in favour of the petitioner. Learned counsel submitted that inclusion of a village or revenue area within Master Plan of an urban area by way of notification issued under Section 3 of the Act of 1959 by the Chief Town Planner, Town Planning Department constitutes a legislative function of the State Government and such legislative/statutory notification are immune from Judicial Review by this Court.



11. On these grounds, the learned counsel for the respondents implored the Court to dismiss the instant writ petition with exemplary costs.

12. Heard learned counsel for the parties at Bar. Perused the material available on record.

13. The term Master Plan has been defined in Section 2(1)(vii) of the Act of 1959 which reads as under:

"(vii) "Master Plan" means the Master Plan prepared and approved for any urban area in accordance with the provisions of Chapter II;"

14. Similarly, the definition of the term Urban Area has been provided in Section 2(1)(x) which reads as under:

"(x) "urban area" means the urban area notified under section 3 or, as the case may be, under section 8;"

15. Section 3 of the Act of 1959 is reproduced hereinbelow for ready reference:

"3. Power of State Government to order preparation of Master Plan.

- [(1) The State Government may, by order, direct that in respect of and for any urban area in the State specified in the order, a civil survey shall be carried out and a Master Plan shall be prepared, by such officer or authority as the State Government may appoint for the purpose] [Substituted by Rajasthan Act 3 of 1963, dated 29-3-1963.],

(2) For the purpose of advising the officer or authority appointed under sub-section (1) on the preparation of the Master Plan, the State Government may constitute an advisory council consisting of a Chairman and such number of other members as the State Government may deem fit."



16. Upon perusal of the case file, this Court finds that though the petitioner has filed the present writ petition being aggrieved by the inclusion of the village Asota in the **'Sujangarh Master Plan 2036'** but the notification 24.09.2021 issued in that regard has not been challenged before this Court.

17. As a matter of fact, a copy of the notification dated 24.09.2021 is not even available on the record of the case. Neither any explanation for the aforesaid omission nor argument with regard to the notification dated 24.09.2021 being not accessible has been furnished/raised. Thus, this Court is not aware of the exact terms or the language of the notification dated 24.09.2021 issued by the Chief Town Planner, Town Planning Department.

18. It is pertinent to note here that while making challenge to the notification dated 25.06.2021 inviting objections against the proposed inclusion of village Asota in the **'Sujangarh Master Plan 2036'** and notification dated 24.11.2021 through which the State Government approved the said Master Plan, no argument with regard to competence of the authority issuing the same has been raised in either the writ petition or during the course of arguments. No material has been brought on record to indicate that the impugned notifications are either beyond the Parent Act or infringe legal or vested right of the petitioner – Gram Panchayat.



19. It is also relevant to note here that prior to preparing the 'Master Plan', the objections raised by the petitioner – Gram Panchayat against the inclusion of village Asota in '**Sujangarh Master Plan 2036**' were considered. In other words, there was an effective consultation at the end of State Government before taking a policy decision for inclusion of the Area of Gram Panchayat of village Asota in the Master Plan. Needless to observe that in these matters, consultation with the respective Gram Panchayat is sufficient enough and the consent of the Panchayat is not *sine-qua-non* for taking the policy decisions.

20. After perusal of the impugned notifications and communication issued by the State Government as made available on record, this Court is of the considered opinion that once an area has been declared 'Urban Area' within the meaning of Section 2(1)(x) of the Act of 1959, the respondents are well within their rights to vest grant of permission for land use change from agricultural to non-agricultural purposes, in areas falling under the Master Plan with the Municipal Council/UIT/Development Authority as the case may be, for development, improvement and expansion of such area and considering the development of outgrowth area on the peripheral boundary of the territory (Gram Panchayat – Asota in the present case). The Municipal Council/UIT/Development Authority are definitely having the experience and expertise to make plans for future developments and expansion of the Urban Area. Resultantly,



the residents of Urban Area would get better facilities and would have better a quality of life.

21. Thus, the impugned communication dated 06.02.2025 is not at all in contravention of the letter/communication dated 08.03.2022 and circular dated 18.03.2025 which stipulates that as a result of inclusion of revenue villages (village Asota in the present case) in the '**Master Plan of Sujangarh 2036**', the technical work for planning and development in relation to Urban areas will be done by the Municipal Council in conformity with the Act of 1959 and all the proceedings relating to the land conversion as per Section 90A of the Land Revenue Act, 1956 shall be undertaken by the Municipal Council/UIT/Development Authority as the case may be.

22. In view of aforesaid discussion so also keeping in view the fact that no specific challenge to the notification dated 24.09.2021 in relation to '**Master Plan of Sujangarh 2036**' has been laid before this Court, this Court finds no merit in this Writ Petition.

23. Consequently, the present writ petition as well as stay petition are dismissed.

(KULDEEP MATHUR),J

01-TarunGoyal/-

Whether Reportable: Yes/No