HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 16350/2026
CNR: RJHC020774202026 | URN: CW / 34484U / 2026

Kailashchand Patwa S/o Shri Radheshyam Patwa, aged about 70 Years, R/o Near Patwa Bhawan, Parsyo Ka Bas, Village Goner, Tehsil Sanganer, District-Jaipur

----Petitioner

Versus

1. Amarchand Tailor S/o Shri Kailash Chand Tailor, R/o Main Market, Bob Tower, Village Goner, Tehsil Sanganer, District-Jaipur (Raj.)
2. Girdhari Tailor S/o Shri Kailash Chand Tailor, R/o Main Market, Bob Tower, Village Goner, Tehsil Sanganer, District-Jaipur (Raj.)
3. Rahul Tailor S/o Shri Kailash Chand Tailor, R/o Main Market, Bob Tower, Village Goner, Tehsil Sanganer, District-Jaipur (Raj.)
4. Pankaj Tailor S/o Shri Kailash Chand Tailor, R/o Main Market. Bob Tower, Village Goner, Tehsil Sanganer, District-Jaipur (Raj.)
5. Yogeshwari Devi W/o Girdhari Lal Tailor, R/o Main Market, Bob Tower, Village Goner, Tehsil Sanganer, District-Jaipur (Raj.)

---Respondents/Defendants

6. Ramavatar S/o Shri Govind Narayan Lakhera, R/o Main Market, Bob Tower, Village Goner, Tehsil Sanganer, District-Jaipur (Raj.) (During Trial Claim Withdrawal)

----Performa/Respondents

For Petitioner(s)	:	Mr. Dharamsheel Sharma for Mr. Anshuman Saxena
For Respondent(s)	:	Mr. Mitesh Sharma

HON'BLE MR. JUSTICE ANAND SHARMA
Order

28/10/2026

1. This writ petition has been filed by the petitioner challenging order dated 18.04.2026 passed by the trial Court

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whereby while partly allowing the application for temporary injunction, liberty was granted to the respondent-defendants to raise construction over the area as specified in order dated 18.04.2026. Petitioner is also aggrieved by order dated 09.07.2026 passed by the Appellate Court confirming the order of the trial Court.

2. Learned counsel for the petitioner submits that vide impugned orders, the respondents-defendants have been allowed to raise construction, which may infringe the easementary rights of the petitioners. He submits that without properly examining the *Patta* possessed by the respondent-defendants and without giving any rationale finding, application under Order 39 Rule 1 & 2 of CPC as well as appeal have been decided by the courts below, which are causing grave prejudice and miscarriage of justice to the petitioner.

3. *Per contra*, learned counsel for the respondents opposed the writ petition and submitted that the trial Court as well as the Appellate Court have taken into consideration that the respondents-defendants have been raising construction over the land as per the *Patta* possessed by the respondent-defendants. He submits that there are concurrent findings of facts against the petitioner and the issue with regard to *prima facie* case, balance of convenience and irreparable injuries has properly been examined by the courts below. Therefore, no interference is called for under Article 227 of the Constitution of India.

4. Heard learned counsel for the parties and perused the record.

5. It is not disputed that the respondent-defendants has been raising construction over the land shown in the lease deed (*Patta*) possessed by the petitioner as well as registered sale deed executed pursuant to such *Patta*. It is also not disputed that the petitioner-plaintiff is not owner of the property on which construction is being raised by the respondents. Therefore, at the stage of grant of temporary injunction, the trial Court has properly appreciated the *prima facie* case in favour of the respondent-defendants and such findings have also been approved by the Appellate Court.

6. In exercise of jurisdiction under Article 227 of the Constitution of India, this Court cannot substitute the factual findings arrived at by the courts below. Learned counsel for the petitioner has utterly failed to point out any material illegality or perversity in the impugned orders hence, no interference is called for therefore, the writ petition filed by the petitioner is hereby dismissed.

7. Pending application(s), if any, shall also stand disposed of.

(ANAND SHARMA),J

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