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

S.B. Civil Writ Petition No. 3302/2026
CNR: RJHC010150582026 | URN: CW / 6102U / 2026

1. Motiram S/o Shri Anadadas, Aged About 77 Years, R/o Village Rajedu Tehsil Dungargadh, Bikaner.
2. Sharvan Kumar Simar S/o Shri Danaram, Aged About 54 Years, R/o Village Alsar, Tehsil Ratangarh, District Churu.

----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Revenue Department, Government Of Rajasthan, Jaipur.
2. The Secretary, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Jaipur (Raj.).
3. The District Collector, Bikaner (Raj.).
4. Sub Divisional Officer, Lunkaransar Tehsil, District Bikaner, (Raj.).
5. Tehsildar, Lunkaransar Tehsil, District Bikaner (Raj.).
6. Chief Medical And Health Officer, Bikaner (Raj.).

----Respondents

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| For Petitioner(s) | : | Mr. Mukul Krishna Vyas |
| For Respondent(s) | : | Mr. Mukesh Dave, AGC, assisted by Mr. Tanuj Jain.<br>Mr. S.R. Paliwal, GC. |

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**HON'BLE DR. JUSTICE NUPUR BHATI**

**Order**

**10/08/2026**

1. The present writ petition has been filed by the petitioners under Article 226 of the Constitution of India with the following prayers:

> *"a) Issue an appropriate writ, order, or direction quashing and setting aside the impugned order dated 14.01.2026 (Annex 9) and any subsequent order, action or decision of*

*the Respondents permitting or attempting construction of a Primary Health Centre on petitioners' land/passage;*
*b) Issue a writ of mandamus restraining the Respondents from raising any construction or causing any obstruction over the peaceful enjoyment and occupation of the petitioners residential land falling in Khasra No. 326/324 and 327/324 and the surrendered land falling in Khasra No. 323/193 being utilized as access passage by the Petitioners.*
*c) Declare that the Respondents shall not utilize or transfer land falling in Khasra No. 323/193 for any purpose other than the purpose for which it was originally surrendered by the petitioners.*"

2. Counsel appearing for the petitioners submits that, vide order dated 14.01.2026 (Annex.9), the respondents have directed for the construction of a Public Health Centre over an area measuring 0.2500 hectares out of Khasra No.194, having a total area of 0.65 hectares, while maintaining the mandatory setback of 40 metres from the National Highway. He submits that such construction would result in encroachment upon the petitioners' land bearing Khasra Nos.326/324 and 327/324.

3. Counsel appearing for the respondents-Revenue Department and the Department of Medical and Health, jointly submit that the Public Health Centre shall be constructed only on the land duly allotted to the respondents and the respondents shall neither disturb the petitioners' peaceful possession over the land bearing Khasra Nos.326/324 and 327/324 nor raise any construction thereon.

4. Thus, in view of the submissions advanced and the undertaking furnished, the respondents shall not disturb the petitioners' peaceful possession over the land lawfully held by him. While undertaking the construction of the Public Health Centre at Village Dhirera, Tehsil Lunkaransar, District Bikaner, the respondents shall exercise due caution and ensure that no

encroachment is made upon any portion of the land lawfully owned and possessed by the petitioners.

5. With the aforesaid observation, the instant writ petition stands disposed of. Stay application as well as all other pending applications, if any, also stand disposed of.

**(DR.NUPUR BHATI),J**

*37/Devesh Thanvi*