HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 16227/2026
CNR: RJHC010723142026 | URN: CW / 28852U / 2026

1. Baudhik S/o Prakash Narayan, Aged About 39 Years, R/o Ward No. 37 Rajgarh Dist. Churu Raj.
2. Pratap Singh S/o Shri Prakash Narayan, Aged About 32 Years, R/o Ward No. 37 Rajgarh Dist. Churu Raj.
3. Ramesh Kumar S/o Shri Dungar Ram, Aged About 56 Years, R/o Ward No. 37 Rajgarh Dist. Churu Raj.

----Petitioners

Versus

1. State Of Rajasthan, Through Director Local Self Govt. Dept. Govt. Of Raj. Jaipur
2. The Chief Executive Officer, Nagar Palika Rajgarh Dist. Churu

----Respondents

For Petitioner(s) : Mr. O.P. Kumawat
For Respondent(s) :

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Judgment

03/08/2026

1. The present petition has been filed by the petitioners with following prayer :-

> "It is, therefore, most humbly and respectfully prayed that this writ petition may kindly be allowed and:
> 1. The notice dated 12.06.2026 and 02.07.2026 (Annex.8 & 10) issued by the Nagar Palika Mandal, Rajgarh, Churu may kindly be declared illegal and the same may kindly be quashed and set aside.
> 2. Any other appropriate relief which this Hon'ble High Court deems just and proper may kindly be granted in favour of the petitioner.
> 3. The cost of the writ petition may kindly be awarded to the petitioner."

2. By way of filing the instant petition, the petitioners have challenged the impugned notices dated 12.06.2026 and 02.07.2026, issued by the Municipal Board, Rajgarh, Churu under Sections 194 and 245 of the Rajasthan Municipalities Act, 2009.

3. Learned counsel for the petitioners submits that while issuing the aforesaid impugned notices, the respondent-Board has treated the petitioners as an encroacher upon the subject land and has directed them to remove the alleged encroachment. It is the petitioners' contention that they have not encroached upon the subject land. Pursuant to the notice dated 12.06.2026, the petitioners submitted a detailed reply before the respondent-Board on 18.06.2026. However, without considering the aforesaid reply, the respondent-Board issued the subsequent impugned notice dated 02.07.2026 reiterating the contents of the earlier notice. It is, therefore, submitted that interference by this Court is warranted.

4. Heard learned counsel for the petitioners and perused the material available on record.

5. Having considered the submissions advanced, this Court finds that the petitioners had already submitted their reply to the impugned notice dated 12.06.2026 vide reply dated 18.06.2026. However, without considering the said reply, the respondent-Board proceeded to issue the subsequent impugned notice dated 02.07.2026 reiterating the allegations contained in the earlier notice.

6. In the considered opinion of this Court, before taking any further action against the petitioners, the respondent-Board ought to consider the reply submitted by the petitioners and thereafter

pass an appropriate and reasoned order in accordance with law. Only thereafter, if so warranted, any further action shall be taken against the petitioner.

7. It is expected from the respondent-Board to look into the aforesaid reply dated 18.06.2026 submitted by the petitioners and consider the same and pass appropriate orders. It is expected that the respondent-Board shall only take any appropriate action in case encroachment by the petitioner on the subject land is found to be proved in terms of the provisions contained under Section 194 read with Section 245 of the Rajasthan Municipalities Act, 2009. It is expected form the respondent to decide the reply submitted by the petitioner within a period of two months from the date of receipt of certified copy of this order.

8. With the aforesaid directions, the present writ petition stands disposed of.

9. Stay application also stands disposed of.

(ANOOP KUMAR DHAND),J

39-Arun/-