



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

D.B. Spl. Appl. Writ No. 327/2026

Mahipal S/o Shri Bhanwarlal, Aged About 29 Years, R/o Village Daylana Kallan, Tehsil Desuri, District Pali.

----Appellant

Versus

1. State Of Rajasthan, Through The Collector, Pali.
2. Vikas Adhikari, Panchayat Samiti Desuri, District Pali.
3. The Sarpanch, Gram Panchayat Daylana Kallan,tehsil Desuri, District Pali.
4. Jogaram S/o Shri Nenaji, R/o Daylana Kallan, Tehsil Desuri, District Pali.
5. Punaram S/o Shri Amraram Ji, R/o Daylana Kallan, Tehsil Desuri, District Pali.

----Respondents

For Appellant(s) : Mr. Jai Kishan Rankawat
For Respondent(s) : Dr. Sachin Acharya, Senior Advocate
assisted by Mr. Kunal Bishnoi
Mr. Dinesh
Mr. Ramdev Rajpurohit

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL
Order(Oral)**

Reportable

13/03/2026

Per: Arun Monga, J

1. Instant inter court DB Appeal arises out of the final order and judgment dated 07.03.2026 passed by learned Single Judge in ***Mahipal v/s State of Rajasthan and Ors.***¹, whereby the writ petition filed by the appellant was dismissed and the learned Single Judge declined to interfere with the order dated 29.11.2022 passed by the District Collector, Pali, cancelling a lease deed issued earlier in favour of the appellant.

2. The appellant claiming to be in possession of an *abadi* plot, got a residential patta came issued in his favour by the Gram

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Panchayat on 20.04.2018. The appellant deposited a sum of Rs.54,556/- towards the cost of the patta in accordance with the applicable DLC rates vide receipt dated 20.01.2018. It is further asserted that subsequent to the issuance of the patta, the appellant raised construction over the said plot and also obtained an electricity connection at the premises.

2.1 Thereafter, private respondents No.4 and 5 preferred a revision petition under Section 97 of the Rajasthan Panchayati Raj Act before the learned Collector, Pali, seeking cancellation of the patta issued in favour of the appellant. Upon being served with notice, the appellant submitted his reply contesting the revision. However, after considering the matter, the learned Collector, Pali, vide order dated 29.11.2022, allowed the revision petition and cancelled the patta granted in favour of the appellant.

2.2 Aggrieved by the order dated 29.11.2022 passed by the learned Collector, the appellant approached this Court by filing S.B. Civil Writ Petition No.2460/2023. The said writ petition, however, came to be dismissed by the learned Single Judge vide order dated 07.03.2026, against which the present appeal has been preferred.

3. Learned counsel for the appellant would argue that learned Single Judge and so also revisional authority ignored reports submitted by the Gram Vikas Adhikari, Gram Panchayat Daylana Kallan dated 25.05.2020, and by the Vikas Adhikari, Panchayat Samiti Desuri dated 21.07.2020, which were placed on record. The said reports indicate that the land in question formed part of the *abadi* area and that the appellant's family was stated to be in possession of the land since ancestral times. The reports also





mentioned that pattas had been issued in accordance with the applicable rules and that several other residents of the locality had similarly been granted pattas by the Gram Panchayat. Hence the appeal deserves to be allowed by quashing the impugned orders.

4. In the aforesaid background, we have heard the rival submissions advanced by the learned counsel appearing for the respective parties and have carefully perused the material available on record.

5. At the outset, reference may first be had to the order dated 29.11.2022 passed by the learned revisional authority. The inspection report of the Development Officer reveals that lease deeds had been issued in favour of the Sarpanch's close relatives, i.e., his brothers, nephews, wife and mother, that too, without following the prescribed legal procedure, indicating an attempt to extend undue benefit to family members.

5.1. Three major irregularities were noted:

- a). Firstly, the lease deed was issued under Rule 157(1) meant for regularization of old houses, whereas the land in question was in fact a vacant plot;
- b). Secondly, the then Sarpanch violated Rule 47 of the Rajasthan Panchayati Raj Act by participating in a decision in which he had a direct personal interest, as the allotment was made to his relative;
- c). Thirdly, several serious procedural lapses were found, including an undated application under Rule 157(1), contradictory office notes containing multiple dates, incomplete and pre-typed miscellaneous orders, undated inspection forms, and non-compliance with





Rules 145 to 155 governing allotment. The objection notice period was reduced to 7 days instead of the mandatory 30 days, and although the lease amount exceeded ₹50,000, approval from the competent authority under Rule 154(3)(k) was not obtained.

5.2. In view of these grave irregularities, the revisional authority, and in our opinion also, rightly so, held that the issuance of the lease deed was legally unsustainable. Consequently, the order dated 20.04.2018 and the lease deed issued pursuant thereto were cancelled, and the Chief Executive Officer, Zila Parishad, Pali was directed to initiate action against the concerned officials and restore possession of the land to the Gram Panchayat.

6. Aside above, the existence of the familial relationship with sarpanch establishes a clear conflict of interest.

7. In fact, in light of the findings recorded by the revisional authority, a specific query was posed to the learned counsel for the appellant as to whether the relationship between the appellant and the then Sarpanch, as noted in the impugned order, was correct. Learned counsel for the appellant did not dispute the existence of such familial relationship.

8. Once this crucial aspect stands admitted, the entire edifice of the appellant's case collapses. The material on record unmistakably indicates that the patta in question was issued to a close relative of the then Sarpanch in blatant disregard of the statutory procedure. Such an act, viewed in its proper perspective, bears the unmistakable imprint of nepotism and favouritism, where public authority was misused to extend undue benefit to a family member at the cost of transparency and fairness in the





administration of public land. This circumstance alone is sufficient to dissuade this Court from exercising its discretionary jurisdiction in favour of the appellant.

9. We also find ourselves in respectful agreement with the well-reasoned conclusions recorded by the learned Single Judge while dismissing the writ petition filed by the appellant. The relevant portion of the impugned judgment reads as under:

“15. Section 97 of the Rajasthan Panchayati Raj Act empowers the Collector to examine the legality and propriety of pattas issued by the Gram Panchayat. The Collector, acting as a revisional authority, has the power to correct errors, irregularities, or illegality in such issuance. In the present case, the Collector's order cancelling the patta falls squarely within the scope of such powers.

16. The petitioner has relied upon alleged old possession, construction, and existence of an electricity connection to support his claim. Even assuming possession existed, possession alone cannot legalize an allotment issued in violation of statutory provisions. It is a settled legal position that a party cannot derive a right from possession or investment when the foundational allotment itself is unlawful. Any hardship claimed by the petitioner cannot override the clear statutory mandate.”

10. We are satisfied that the patta in question was issued in clear violation of the statutory provisions governing allotment of Gram Panchayat land and was rightly cancelled by the revisional authority. The learned Single Judge has committed no error in declining interference with the said order.

11. As an upshot, the instant appeal is bereft of merit and is accordingly dismissed.

12. Any pending application(s) also stands disposed of.

(SUNIL BENIWAL),J

(ARUN MONGA),J

193-KP Singh Dewasi/-

