RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Special Appeal Writ No. 1106/2026
CNR: RJHC010877742026 | URN: SAW / 2272U / 2026

Rajasthan High Court
सत्यमेव जयते
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Gaphur S/o Jakub, Aged About 68 Years, Resident Of Kabhir Ki Basti, Sehala, Khalife Ki Baori @ Medusar, Tehsil Gadra Road, District Barmer Raj.

----Appellant

Versus

1. The State Of Rajasthan, Through It Principal Secretary, Department Of Home, Government Of Rajasthan, Secretariate Jaipur.
2. District Collector, Barmer
3. Superintendent Of Police, Barmer
4. Tehsildar, Gadra Road, District Barmer

----Respondents

For Appellant(s) : Mr. Harish Kumar Purohit
Mr. Ikbal Khan

For Respondent(s) : Mr. Sajjan Singh Rathore, AAG assisted by Mr. Yuvraj Singh Rathore
Mr. B.L. Bhati, AAG assisted by Mr. Deepak Chandak

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA
Judgment

06/11/2026

1. Heard learned counsel for the parties.

2. The present special appeal has been filed against the order dated 22.07.2026, whereby the learned Single Bench has disposed of the writ petition in light of the judgment rendered in the case of ***Peer Mohammad Shah Jilani Dargah Samiti Vs. State of Rajasthan (S.B. Civil Writ Petition No.13243/2026)***.

3. Learned counsel for the appellant submits that the respondent – State is demolishing the structures without giving

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reasonable opportunity of hearing to the appellant and without waiting for the reply to show-cause notice issued to the appellant. Learned counsel, therefore, prays that if the respondent – State wishes to take any action against the appellant, then the respondents may be directed to take the same in accordance with law after giving proper opportunity of hearing to the appellant and after considering the reply and relevant documents submitted alognwith the reply and the judgment, if any, submitted alongwith the reply.

4. Mr. Sajjan Singh Rathore, learned AAG and Mr. B.L. Bhati, learned AAG submit that they are under an obligation to consider the reply, documents submitted alongwith the reply and the judgment relied upon by the appellant alongwith the reply while deciding the proceedings initiated by issuance of the show-cause notice. They submit that after giving proper opportunity of hearing, the matter will be decided by the Competent Authority.

5. Learned counsel for the appellant at this juncture submits that if the reply has not been filed to the show-cause notice, a period of 15 days may be granted to the appellant to file reply to the show-cause notice.

6. Learned counsel for the respondent – State gracefully agreed for the same.

7. In view of the submissions made before this Court, the present Special Appeal Writ is disposed of with the liberty to the appellant to file a detailed reply and the judgment relied upon, within a period of two weeks from today and if such reply is filed, the Competent Authority is directed to decide the same after

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giving a reasonable opportunity of hearing to the appellant by a speaking order in accordance with law.

8. Learned AAG assure this Court that no action will be taken before deciding the proceedings pending in pursuance of the show-cause notice.

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(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

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