HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 9291/2026
CNR: RJHC020485712026 | URN: CW / 20739U / 2026

1. Aslam Sher Son of Late Shri Masook Ali, Aged About 50 Years, Resident of Plot No. 2, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)
2. Smt. Shanti Devi Daughter of Shri Laldas Bairagi, Aged About 65 Years, Resident of Plot No. 98, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)
3. Riyasat Ali Son of Late Shri Masook Ali, Aged About 45 Years, Resident of Plot No. 97, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)
4. Mohammed Yusuf Son of Shri Bundu Khan, Aged About 55 Years, Resident Of Plot No. 87, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)
5. Dilip Son of Shri Latoor Bhai, Aged About 50 Years, Resident Of Plot No. 88, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)
6. Mobhammad Yusuf Son Of Shri Abdul Majid, Aged About 50 Years, Resident Of Plot No. 91, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)
7. Sayra Bano Wife Of Shri Khalid Khan, Aged About 50 Years, Resident Of Plot No. 89, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)
8. Mohammed Yusuf Son Of Shri Shamsuddin, Aged About 76 Years, Resident Of Plot No. 95, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)
9. Mohammed Yunus Son Of Shri Mohammed Noor, Aged About 50 Years, Resident Of Plot No. 94, Mahaveer Colony, Shastri Nagar, Bundi (Raj.)

----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Local Self Department, Government Secretariat, Jaipur.
2. District Collector Bundi, District Collectorate Bundi, New Colony, Bundi Rajasthan-323001.
3. Director, Local Self Bodies, Directorate Office, Parivahan Marg, Shivaji Nagar C-Scheme, Jaipur 302007.

4. Commissioner, Municipal Council Bundi, Near K.N. Singh Circle-323001, Rajasthan.
5. Tehsildar Bundi, District Bundi (Raj.)
6. Project Director, U.I.D.P. Bundi, District Bundi (Raj.)

----Respondents

For Petitioner(s) : Mr. Prem Prakash Bunkar
For Respondent(s) :

JUSTICE ANOOP KUMAR DHAND

Order

31/08/2026

1. The Instant writ petition has been filed against the impugned notice dated 16.12.2024 issued by the Municipal Council Bundi, by which the petitioners have been called upon to remove their encroachments from the subject land.

2. Learned counsel for the petitioners submits that some of the petitioners are having pattas of the subject land and some of them have submitted applications for getting/obtaining the pattas of the same but instead of above, notices have been issued and the respondents are bent upon to dispossess the petitioners from the subject land in the garb of extension/constructions of *Nala*.

3. Heard and considered the submissions made at Bar and perused the material available on record.

4. Perusal of the record indicates that by way of issuing notice to the petitioners, the respondents are treating the petitioners as encroachers on the subject land, hence, feeling aggrieved by the aforesaid, the petitioners have approached this Court by way of

filing the instant petition under Article 226 of the Constitution of India.

5. In the considered opinion of this Court, the petitioner has got alternative statutory remedy of filing an appeal under Section 194(12) of the Rajasthan Municipalities Act, 2009 (for short, 'the Act of 2009') but without availing the said alternative statutory remedy contained under Section 194(12) of the Act of 2009, the petitioners have straightaway approached this Court by passing the statutory proceedings.

6. It is the settled proposition of law that whenever alternative remedy of filing an appeal is available with a person, he cannot be allowed to bypass the jurisdiction of the said authority.

7. On this count alone, the instant petition stands disposed of, granting liberty to the petitioners to avail the alternative remedy by way of filing an appeal under the above provisions before the statutory Appellate Authority.

8. In case, such appeal is preferred by the petitioners within a period of fifteen days from the date of receipt of the certified copy of this order, it is expected from the authority concerned to decide the same expeditiously, as early as possible in accordance with law, ignoring the period of limitation.

9. However, the petitioners would be at liberty to submit the stay application along with memo of appeal. In case, such stay application is submitted, the same would be decided by the said authority, expeditiously, as early as possible, preferably within a period of fifteen days thereafter.

10. Stay application and all pending application(s), if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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