



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

S.B. Civil Writ Petition No. 12307/2026

Virendra Singh S/o Shri Hanuwant Singh, Aged About 45 Years,
R/o. Dugoli, Tehsil- Jayal, District- Nagaur (Raj.).

-----Petitioner

Versus

1. Bhupendra Singh Ranawat S/o Shri Ganpat Singh, R/o. Kamalpura, Tehsil- Mandal, District- Bhilwara (Raj.).
2. Hidayat Khan S/o Shri Wajir Khan, R/o. Jaipur, Tehsil And District- Jaipur (Deceased).
3. State Of Rajasthan, Through Tehsildar Jayal And Ex-Officio (Paden) Deputy Registrar, Jayal.
4. Surendra Singh S/o Shri Hanuwant Singh, R/o. Dugoli, Tehsil- Jayal, District- Nagaur (Raj.).
5. Shrawan Singh S/o Shri Hanuwant Singh, R/o. Dugoli, Tehsil- Jayal, District- Nagaur (Raj.).
6. Poonam Kanwar D/o Shri Hanuwant Singh, R/o. Dugoli, Tehsil- Jayal, District- Nagaur (Raj.).
7. Santosh Kanwar @ Shanti Devi W/o Shri Hanuwant Singh, R/o. Dugoli, Tehsil- Jayal, District- Nagaur (Raj.).

-----Respondents

For Petitioner(s) : Mr. Rajesh Parihar
For Respondent(s) : Mr. Vishwajeet Singh Ranawat,
Caveator

HON'BLE MR. JUSTICE SANJEET PUROHIT (VACATION JUDGE)

Order

04/06/2026

1. Present writ petition is filed challenging legality, validity, and propriety of order dated 20.04.2026 passed by learned Board of Revenue ("*BoR*") in a revision petition preferred by Respondent No. 1. By impugned order, learned BoR, at admission stage itself and without issuing notice to respondents or first adjudicating



application filed under Section 5 of the Limitation Act seeking condonation of delay in filing the revision petition, proceeded to allow revision petition in favour of Respondent No. 1. Consequently, learned BoR quashed and set aside order dated 17.10.2025, which was under challenge in the revision petition, and further directed learned Trial Court to implead Respondent No. 1 as party respondent and to decide application for injunction filed along with suit within a period of one month.

2. Explaining factual background of case, learned counsel for petitioner, Mr. Rajesh Parihar, submitted that petitioner filed a suit seeking declaration of khatedari rights and permanent injunction before learned Additional Collector, Jayal. In said suit, Respondent No. 1 (revisionist before learned Board of Revenue) was not impleaded as a party respondent. Along with suit, petitioner also filed an application under Section 212 of Rajasthan Tenancy Act, 1955 seeking temporary injunction. Although Respondent No. 1 had filed a caveat in the proceedings, no application seeking impleadment as party to the suit or injunction proceedings was filed on his behalf before learned Trial Court.

2.1 Learned Additional Collector, Jayal, vide order dated 17.10.2025, granted *ad interim* relief in favour of petitioner and directed parties to maintain status quo with respect to suit property, both in terms of its physical status and revenue records. Learned Trial Court further restrained defendants from alienating, transferring, or sell to any party qua the property in question during pendency of proceedings.

2.2 Learned counsel for petitioner further contended that proceedings before learned Trial Court are still pending and, till





date, no application seeking impleadment has been filed by Respondent No. 1. It is submitted that petitioner subsequently came to know that Respondent No. 1 preferred a revision petition before learned Board of Revenue, which was decided *ex parte*. By impugned order, learned BoR set aside *ad interim* order dated 17.10.2025 passed by learned Trial Court and further directed learned Trial Court to implead Respondent No. 1 as party respondent, despite the fact that no application seeking such impleadment had been filed or was pending consideration before learned Trial Court.

2.3 Learned counsel for petitioner further submits that, after obtaining certified copy of proceedings of revision petition, petitioner has filed present writ petition challenging impugned order dated 20.04.2026. It is stated that, along with revision petition, an application under Section 5 of Limitation Act seeking condonation of delay was also filed; however, learned Board of Revenue proceeded to decide revision petition at admission stage itself without issuing notice to respondents and without first adjudicating said application under Limitation Act.

2.4 Learned counsel for petitioner further contends that revision petition itself was not maintainable as it was directed against an *ad interim* order passed by learned Trial Court. It is submitted that, in view of Section 230 of the Rajasthan Tenancy Act, 1955 and settled legal position, revision against an *ad interim* / interlocutory order is not maintainable. Reliance is placed on judgment dated 15.03.2025 passed by this Court in ***S.B. Civil Writ Petition No. 2888/2025 (NTPC Renewable Energy vs. Board of Revenue, Ajmer & Others)***.





2.5 It is further argued that impugned order is contrary to judicial propriety, as revision petition has been allowed without issuing notice to respondents and without providing opportunity of hearing, thereby vitiating the entire proceedings.

2.6 Learned counsel for petitioner further submits that manner in which impugned order dated 20.04.2026 has been passed clearly amounts to a gross abuse of process of law. It is contended that although Respondent No. 1 had not filed any application seeking impleadment as a party in suit proceedings, learned Board of Revenue, while itself observing that it was incumbent upon Respondent No. 1 – revisionist to first move an application for impleadment before the learned Trial Court, has nevertheless proceeded to issue operative directions contrary to its own findings. It is further submitted that, in operative portion of impugned order, learned BoR has specifically directed learned Trial Court to implead Respondent No. 1 as party respondent and to decide afresh application filed under Section 212 of Rajasthan Tenancy Act, 1955 by plaintiff–petitioner, thereby exceeding jurisdiction and causing serious prejudice to petitioner.

2.7 It is contended that by issuing such directions, learned Board of Revenue has ordered impleadment of person as a party respondent in absence of any application for impleadment having been filed on record. It is submitted that impugned order passed by learned BoR is not only unjustified, but also smacks of mala fides.

2.8 Learned counsel for petitioner further submits that order has been passed in revision petition which was *ex facie* barred by limitation, without first considering and deciding application





seeking condonation of delay filed under Section 5 of Limitation Act. As such, impugned order is not sustainable in the eyes of law.

2.9 It is further contended that learned BoR has passed impugned order in complete disregard of procedure established under law and settled principles governing such proceedings. On these grounds, learned counsel for petitioner has prayed for quashing and setting aside of impugned order dated 20.04.2026.

3. Mr. Vishwajeet Singh Ranawat, learned counsel appearing in caveat on behalf of Respondent No. 1, after arguing matter for some time, fairly and candidly admitted that revision petition could not have been allowed without issuing notice, without granting opportunity of hearing to opposite party and without first deciding application for condonation of delay.

3.1 Learned counsel for caveator fairly consented that impugned order be quashed and set aside and matter be remanded back to learned Board of Revenue for fresh consideration of revision petition, in accordance with law.

4. Having heard learned counsel for parties and perused material available on record.

4.1 This Court is of considered opinion that a grave error of law has been committed by learned Board of Revenue while passing impugned order. The manner in which impugned order has been passed, whereby revision petition has been allowed at the admission stage and an order is set aside without issuing notice to opposite / affected party, without granting any opportunity of hearing that too, in a revision petition filed by a person who is not a party to proceedings and without first deciding application for condonation of delay, is against settled and basic tenates of law. It





is also quite astonishing to note that order impugned has been passed beyond the prayer made in revision petition and straightaway directions were issued to learned Trial Court to implead Respondent No. 1 as party respondent despite there being no such impleadment application pending before learned Trial Court. This Court is of considered opinion that order impugned amounts to a gross abuse of process of law.

5. This Court is of the considered opinion that the impugned order is absolutely erroneous and also violative of judicial propriety. The manner in which it has been passed renders it contrary to settled principles of law and established procedure, and the same is therefore unsustainable in the eyes of law.

6. In view of observations made hereinabove, present writ petition is **allowed**. Order impugned dated 20.04.2026 passed by learned Board of Revenue is quashed and set aside, and matter is consequently remanded back to learned BoR for deciding Revision Petition No. 3795/2026 strictly in accordance with law and after granting due opportunity of hearing to all parties concerned.

7. It is further made clear that it shall be open for petitioner to raise all objections and contentions including objection regarding maintainability of revision petition before learned Board of Revenue, which shall be considered and decided in accordance with law.

8. Having regard to the manner in which impugned order has been passed by learned Board of Revenue in gross abuse of process of law, although this Court refrains from making any comments upon the *modus operandi* of the concerned Bench in passing such an order impugned, however, it is felt appropriate





and expedient, thus, directed that copy of this order be sent to Chairman, Board of Revenue, Ajmer, who shall ensure that, after remand, revision petition shall be assigned to and be placed before a Bench other than the Bench, which has passed the impugned order.



(SANJEET PUROHIT), VJ

385-shashikant/-