



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

S.B. Civil Writ Petition No. 24552/2025

Satyanarayan Singh Rajpurohit S/o Shri Ratan Singh Rajpurohit,
Aged About 52 Years, R/o Rajpurohito Ka Bas, Khichan, Tehsil
Phalodi, District Phalodi (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Department Of
Revenue, Govt. Of Rajasthan, Raipur.
2. District Collector, Phalodi (Raj.).
3. Sub-Division Officer, Phalodi, Tehsildar Phalodi (Raj.).
4. Chief Executive Officer, Zila Parishad, Jodhpur.

-----Respondents

For Petitioner(s) : Mr. Moti Singh Rajpurohit.
For Respondent(s) : Mr. N.S. Rajpurohit, AAG
Mr. B.S. Sodha

HON'BLE MR. JUSTICE SANJEET PUROHIT

JUDGMENT

Reportable

- | | |
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| 1. Date of conclusion of arguments | 15.05.2026 |
| 2. Date on which judgment was reserved | 15.05.2026 |
| 3. Whether the full judgment or only the operative part is pronounced : | Full Judgment |
| 4. Date of pronouncement | 11.06.2026 |

1. Present writ petition is filed with following prayers:

"i) By an appropriate, writ, order or direction may kindly be issued and the notification dated 13.12.2025 (Annexure-20) issued by the Department of Revenue, Government of Rajasthan, Jaipur may kindly be quashed and set aside.

ii) By an appropriate, writ, order or direction may kindly be issued and the respondent authority may be restrained to create any Panchayat/village with the name of Khichan Vistar' until a fresh notification/process is not issued u/s 101 of the Act of 1994.



iii) Any other writ, direction or order necessary for ends of justice be issued."

2. Chequered factual matrix, giving rise to present writ petition, as borne out from the rival submissions is that initially the State Government issued a notification dated 10.01.2025 (Annexure-1). Through this notification, State Government prescribed guidelines for District Collectors, who are empowered to delimit Panchayat circles under Section 101 read with Sections 9 and 10 of Rajasthan Panchayati Raj Act, 1994 ("Act of 1994"). Said notification laid down norms and standards for the creation and alteration of Gram Panchayats. It also prescribed various parameters relating to population, territorial distribution, and distance.

Thereafter, State Government issued another notification dated 10.02.2025 (Annexure-2), whereby it prescribed the norms for delimitation.

2.1 It is stated that a notification dated 19.02.2025 (Annexure-3) was issued by State Government, whereby it relaxed previously prescribed norms and permitted a deviation of up to 20% from standard norms. Thereafter, on 10.03.2025 (Annexure-4) detailed guidelines were issued to all District Collectors for carrying out the delimitation process.

Subsequently, State Government issued another notification dated 18.03.2025 (Annexure-5), directing all District Collectors to prepare proposals within a stipulated time. The notification also prescribed timelines for each stage of the delimitation process.





2.2 The State Government by notification dated 22.03.2025 created various villages in District Phalodi including Revenue Village "Khichan Vistar" and authorized District Collector, Phalodi to separate revenue records of original revenue villages and newly created villages and maintain the same.

2.3 However, some representations were made raising objections regarding creation of new village 'Khichan Vistar'. By communication dated 01.04.2025 (Annexure-10), Deputy Secretary, Panchayati Raj Department, directed all District Collectors to include all such proposals received in relation to creation of new revenue villages, in the notice inviting objections, which was scheduled to be published on 07.04.2025.

Thereafter, respondent no.2-District Collector, Phalodi issued a public notice dated 07.04.2025 (Annexure-7) and called for objections/representations by public regarding creation of new village 'Khichan Vistar'.

2.4 Pursuant to that petitioner along with other villagers submitted a representation (Annexure-9) to respondent No. 2 objecting for creation of new Gram Panchayats Khichan (Vistar) out of village i.e., Khichan.

Thereafter, on petitioner's representation, Principal Secretary, Panchayati Raj Department vide order dated 01.05.2025 (Annexure-11), directed respondent No. 2 to conduct an inquiry.

2.5 Petitioner's primary objection was that distance between center point of village Khichan and newly created Khichan Vistar is less than the parameters prescribed. In this regard, Additional





District Collector, Phalodi sent a communication dated 19.05.2025 (Annexure-R/1) to the Respondent No.2 and based upon a joint inspection report of SDO, Phalodi and Tehsildar, Phalodi has informed that distance of center-points of two villages is more than at least 1000 meters measured from all available ways i.e. Distance from Way 'A' is 2010 meters i.e., 2.1 km; distance from Way 'B' is 3550 meters i.e., 3.5 km and distance from Way 'C' is 1000 meters i.e. 1 km. The requirement of creation of new village is also analysed from all other perspectives including tourism point of view and in conclusion it is reported that creation of new village is required for overall development of the village.

2.6 Meanwhile, aggrieved by initial notification dated 22.03.2025 creating the new revenue village, Khichan Vistar, one of the villagers Santosh Kumar filed a writ petition i.e., S.B. Civil Writ Petition No. 8310/2025 before this Hon'ble High court, which was decided vide order dated 27.05.2025 (Annexure-12) and directions were issued to Principle Secretary, Department of Revenue to decide petitioner's representation in accordance with law.

2.7 Thereafter, petitioner submitted another representation to Principal Secretary and requested cancellation of newly created revenue village, Khichan Vistar. In response, Principal Secretary, vide Letter No. 323 dated 17.07.2025, directed competent authority to grant petitioner a personal hearing and thereafter pass an appropriate order on the representation.

2.8 Pursuant to aforesaid directions, new report was called from Sub Divisional Officer, Phalodi which was sent on 26.08.2025





(Annexure-R/2), in which apart from details regarding distance, it was stated that Khasra no. 156 of newly created revenue village Khichan Vistar and Khasra no. 185 of original village Khichan are adjacent to each other.

While relying upon aforesaid finding of report dated 26.08.2025, District Collector vide order dated 27.09.2025 (Annexure-13) opined that creation of Khichan Vistar is not as per criteria laid down in various guidelines issued by State Government and recommended for cancellation of notification dated 22.03.2025 whereby Khichan Vistar was created.

Pursuant to recommendation of respondent no. 2 dated 27.09.2025, Revenue Department issued amended notification dated 17.11.2025 (Annexure-14) and cancelled creation of new revenue village 'Khichan Vistar'.

2.9 Thereafter, a representation dated 18.11.2025 (Annexure-16) was submitted by a leader of ruling party stating that cancellation of creation of new village is not justified and thus, requested that order dated 27.09.2025 and amended notification dated 17.11.2025 may be cancelled and initial notification dated 22.03.2025 for creation of new revenue village Khichan Vistar shall be restored.

Upon the said representation, respondent No. 2 submitted a factual report dated 27.11.2025 (Annexure-19) to Deputy Secretary for necessary action, explaining the factual background of the matter and also enclosed reports dated 19.05.2025 (Annexure-R/1) and 26.08.2025 (Annexure-R/2) for consideration and necessary action.





2.10 Thereafter, Revenue Department issued notification dated 13.12.2025 (Annexure-20) for creation of revenue village 'Khichan Vistar'.

Aggrieved thereby, present writ petition is filled, praying for quashing said notification dated 13.12.2025.

3. Learned counsel for petitioner contended that impugned notification issued by respondent no. 2 is not sustainable in eye of law as it is in violation of guidelines issued on 10.01.2025 (Annexure-1) and 10.02.2025 (Annexure-2). It was stated that said guidelines expressly provide that any village which is being shifted from one panchayat circle to another panchayat circle, should not be more than 06 kms away from its headquarter.

3.1 It was argued that after entire exercise of creation of revenue village and process of delimitation is concluded vide notification dated 17.11.2025 (Annexure-14) and notified under gazette, fresh consideration without there being any new material available on record is not justified and therefore, notification dated 13.12.2025 (Annexure-20) deserves to be quashed and set aside.

3.2 Learned counsel for petitioner argued that creation of new village Khichan Vistar is not justified as the same does not meet the distance criteria which is clear from enquiry report dated 26.08.2025 (Annexure-R/2). It is also contended that impugned notification has been issued in an arbitrary manner as it has been issued upon request submitted by local political leader. Since entire exercise has been conducted under political influence, therefore, impugned notification is not justifiable.





3.3 Learned counsel relied upon judgments passed by this Hon'ble High Court in ***Mala Ram v State of Rajasthan; S.B. Civil Writ Petition No. 14930/2025*** and ***Jai Singh v State of Rajasthan; D.B. Civil Writ Petition No. 17993/2019*** and argued that notification regarding alteration, modification, inclusion or exclusion of any area of any Panchayat circle can only be issued by following the due process.

4. Mr. N. S. Rajpurohit - Learned AAG arguing for respondents submitted that impugned notification dated 13.12.2025 (Annexure-20) cannot be termed arbitrary or unreasonable rather the same is absolutely justified and in conformity with the parameters fixed for creation of new village as well as observations made by the officials in the joint inspection report.

4.1 Learned counsel further pointed out that record contains two inquiry reports, namely the report dated 19.05.2025 (Annexure-R/1) and the report dated 26.08.2025 (Annexure-R/2). According to the report dated 19.05.2025, as per Government Notification dated 20.08.2009, taken from any available way the distance between center point of abadi of two villages is more prescribed criteria of 1 km i.e. from Way 'A' approximately 2,010 metres, from Way 'B' approximately 3,550 metres and from Way 'C' is approximately 1,000 metres.

The subsequent report dated 26.08.2025 reiterates the aforesaid findings regarding distance. It additionally records that Khasra No. 156 of newly created revenue village, Khichan Vistar, is adjacent to Khasra No. 185 of original revenue village, Khichan. However, the mere fact that two khasra numbers are adjacent





does not negate the broader geographical position reflected in the reports. The authorities were justified in attaching greater weight to details regarding actual distance between center-point of two villages which constitute relevant consideration for the purpose of creation and reorganization of revenue villages.

4.2 It was submitted that under Section 16 of Rajasthan Land Revenue Act, 1956 ("Act of 1956"), State Government is exclusively empowered to notify creation or abolition of divisions, districts, sub-divisions, tehsils, sub-tehsils, and villages, or to alter their boundaries, for better revenue administration and overall development of village population and, therefore no interference of this Court, in exercise of its writ jurisdiction under Article 226 of Constitution of India is warranted.

4.3 Learned counsel for respondent relied upon judgments passed by Hon'ble Apex Court in **State of U.P & Ors. v Pradhan Sangh Ksherrta Samiti & Ors.; 1995 Supp (2) SCC 305** and **State of Punjab v Tehal Singh & Ors.; 2002 (2) SCC 7** and so also on judgments passed by this Hon'ble High Court in **Poonma Ram & Anr. v State of Rajasthan & Ors.; D.B Spl. Appl. Writ No. 1563/2025, Omaram v State of Rajasthan & Ors.; S.B. Civil Writ Petition No. 1682/2025** and **Mala Ram** (supra).

5. Heard learned counsel for parties and carefully perused material on record.

6. Upon perusal of guidelines/notifications dated 10.02.2025 (Annexure-2), 10.03.2025 (Annexure-4) and 18.03.2025 (Annexure-5), this Court finds that State Government has prescribed various parameters / criteria for creation of new





villages including distance criteria of 1 km. between center point of two villages. The record reveals that proposal for creation of the revenue village Khichan Vistar was processed in accordance with the prescribed procedure and the requisite reports were obtained from concerned officers at administrative levels.

6.1 Communication / Report of Additional District Collector, Phalodi dated 19.05.2025 (Annexure-R/2) reveals that taken from any available way, distance between center point of abadi of newly constituted revenue village Khichan Vistar and original village Khichan is more than 1000 meters i.e., 1 km from Way 'C', distance from Way 'A' is 2010 meters i.e., 2.1 km and distance from Way 'B' is 3550 meters i.e., 3.5 km.

6.2 Additionally, material available on record demonstrates that respondent- authorities have duly taken into consideration all other factors contemplated under the aforesaid guidelines, including administrative convenience, territorial contiguity, feasibility of governance, feasibility of future development and local requirements, prior to issuance of the impugned notification.

7. This Court finds that though it is true that record contains two reports, i.e. the report dated 19.05.2025 and 26.08.2025 yet a bare perusal of later report substantially reiterates the findings recorded in the earlier report regarding the distance between the existing village and the newly constituted revenue village. Relevant part of report dated 26.08.2025 (Annexure-R/2) is quoted herein below:

माननीय शासन उप सचिव के समक्ष प्रस्तुत आपत्ति के संबंध में तहसीलदार, फलौदी से रिपोर्ट ली गई। तहसीलदार, फलौदी ने अवगत कराया कि राजस्व





कार्मिकों की कुल 04 कार्मिकों की टीम का गठन किया जाकर संयुक्त रिपोर्ट में अवगत कराया गया कि मूल आबादी के केन्द्र बिन्दु, अर्थात् पुरानी हवेलियों, कोर्ट से नवीन राजस्व ग्राम के खसरा संख्या 156 की दूरी लगभग 3 किमी, 3.5 किमी एवं 1 किमी बताई गई है।

तत्पश्चात् अधोहस्ताक्षरकर्ता स्वयं, तहसीलदार फलौदी, भू.अ. निरीक्षक ननऊ व पटवारी के साथ मौका निरीक्षण किया गया, जिसमें पाया गया कि नवीन राजस्व ग्राम खीचन का केन्द्र बिन्दु खसरा संख्या 156 पर स्थित है तथा खीचन ग्राम का केन्द्र बिन्दु मूल आबादी खसरा संख्या 185 से सटा हुआ है।

7.1 The only additional observation in the subsequent report is that two khasras of said two villages having the center point of abadi are adjacent to each other. In the opinion of this Court, such an observation is not determinative of the issue. The decisive consideration is the distance between the centre points of revenue villages for examining the validity of creation of a new revenue village. Mere a finding that relevant khasras are adjacent to each other, in absence any detail regarding the distance between their center point is not determinative factor for analyzing validity of creation of new village.

7.2 Significantly, petitioners have not been able to dispute the factual findings regarding distance recorded in either of the two reports. No material has been placed on record to demonstrate that the measurements recorded by authorities are incorrect or that findings suffer from any factual error. On the contrary, both reports consistently indicate substantial distance between the two villages.

Thus, in the considered opinion of this court, notification dated 22.03.2026 of creation of new village ought not to have





been withdrawn merely while relying upon the later part of second report dated 26.08.2026 and thus, subsequent notification dated 17.11.2026 was not justified.

7.3 Moreover, this Hon'ble High Court in **Mala Ram** (supra) held that violation/ non-adherence to guidelines with respect to population or distance is a factual dispute and it ought not to be interfered by this Court in writ jurisdiction. Relevant paragraph is reproduced herein below:

"70. In the aforesaid situation, the factual dispute with regard to non adherence to the guidelines and parameters laid down with regard to population and distance raised in few of the writ petitions cannot be gone into as the Division Bench in the case of Rama Ram (supra) categorically and in unambiguous terms held that in the absence of any impeachable proof of any violation of prescribed norms pertaining to the bifurcation of and establishment of Revenue Village, no interference in such matters is called for. It is a settled legal position of law, that in a case which involves disputed question of facts, the High Court cannot go into the same in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. However, to resolve the aforesaid factual dispute, the writ petitioner(s) may file representation(s) before the competent authority of the State Government within 30 days from today. In case, a representation(s) are so filed, it is expected from the concerned State Authority that the same shall be considered and decided as expeditiously as possible."

8. The Court finds no merit in petitioner's contention that once State publishes a notification in the Official Gazette, authorities lose the power to alter or modify it. Petitioners have neither referred to nor relied upon any statutory provision or binding precedent that prohibits the competent authority from revisiting its decision or issuing fresh notification regarding creation of new village.





8.1 As a matter of fact the petitioner has misconstrued the import of the notification dated 13.12.2026 as the same doesn't provides for withdrawal for earlier notification dated 17.11.2026 published in Gazzette rather it was a fresh notification for creation of village, which the State is always empowered to issue.

8.2 The record further shows that earlier notification dated 22.03.2025 was issued for creation of new village 'Khichan Vistar'. Petitioners themselves sought consideration of their objections and representations after the issuance of the said notification. The said earlier decision of creation of new village has been re-considered and notification dated 22.03.2026 was withdrawn to the extent of village 'Khichan Vistar' upon the objection of petitioner. The petitioner cannot be permitted to approbate and reprobate in this manner. Accordingly, contention raised by petitioner cannot to be allowed to sustain.

9. Notably, State Government derives its absolute power of creation/abolition/alteration of divisions from Section 16 of Act of 1956, which is reproduced herein below:

"Section - 16 : Power to create, abolish or alter divisions etc. -

The State Government may by notification in the [official Gazette]-

(a) create new or abolish existing [divisions] districts, sub-divisions, tehsils and [sub-tehsils, villages], and

(b) alter the limits of any of them".

9.1 In this regard, reliance placed by respondent on **Poonma Ram** (supra) is justified as Hon'ble High Court in said judgment after considering law down in **Union of India v. Cynamide India Ltd. & Anr. (1987) 2 SCC 720** and **State of Punjab v. Tehal**





Singh & Ors (2002) 2 SSC 7 held that creation of new revenue villages under Section 16 of Act of 1956 is an administrative decision. The relevant paragraph is reproduced herein below:

*"50. Thus, in light of aforesaid observations and in view of the precedent law laid down in the case of Cynamide India Ltd. and Tehal Singh, the arguments raised by the respondents with regard to creation of Revenue Villages being a legislative act is rejected and it is thus held **that the exercise of creation of new Revenue Villages under Section 16 of the Act of 1956 is an administrative act which is based on the administrative / policy decision of the Government.**"*

9.2 Therefore, decision to issue impugned notification dated 13.12.2025 (Annexure-20), passed in exercise of statutory power derived from Section 16 of Act of 1956 is an administrative decision. Bifurcation or creation of revenue villages or such similar administrative decisions are prerogative of executive and it is settled position of law that same should not be usually interfered by this Court.

9.3 Division bench of this Hon'ble High Court in **Rama Ram v State of Rajasthan & Ors.; D.B. Civil Writ Petition (PIL) No. 1645/2013** decided on 22.07.2013 held that in absence of any unimpeachable proof, Courts ought not to interfere in revenue matters pertaining to bifurcation or creation of revenue villages as revenue administration is best judge in said matters. Relevant paragraph is reproduced herein below:

*"As it is, the **revenue administration, to start with, is the best judge to decide on this issue and in absence of any unimpeachable proof of any violation of the prescribed norms pertaining to the bifurcation of and establishment of a revenue village, no interference is called for.** The bifurcation, noticeably, had taken place with effect from 19.11.2012 and on that count also, at this point*





of time, we are not inclined to interfere with the arrangements made thereby."

10. Additionally, this Court finds no merit in petitioner's contention that impugned notification deserves to be set aside as the same has been passed due to political influence. Mere fact that a representation or communication sent by a local member of ruling party, does not, by itself, render the decision taken there upon illegal or arbitrary unless it is established that the decision itself is bad in the eye of law or contrary to settled parameters. The validity of an administrative decision must be examined on the basis of statutory framework and the procedure followed and not solely on the identity of the person who brought the issue to the notice of authorities.

10.1 In present case, record indicates that competent authorities considered the matter in accordance with the applicable guidelines and based it's decision upon the reports available of record before arriving at the impugned decision. The material placed on record does not suggest that the authorities acted under extraneous influence or departed from the governing norms merely because a political representation had been made. Rather, the decision appears to have been taken after examining the relevant facts and in conformity with the applicable guidelines.

10.2 Unless petitioner establishes mala fides, colourable exercise of power, or a violation of any statutory provision, this Court cannot interfere with an administrative decision merely because a political functionary highlighted the issue before the authorities.





10.3 Hon'ble Apex Court in ***Pubi Lombi Vs. The State of Arunachal Pradesh and Ors; MANU/SC/0197/2024*** decided on 13.03.2024 held that held that an administrative decision cannot be invalidated merely because the proposal originated from an elected representative, in the absence of any plea of mala fides or violation of statutory provisions.. Relevant paragraph is reproduced herein below:

"13. In view of the stand taken by the Government and in absence of plea of malafide and no averment regarding violation of statutory provision taken by the private Respondent before the High Court, interference as made by the Division Bench setting aside the well-reasoned judgment of the Single Judge is not justified merely on the unsubstantiated pretext that the proposed modification is arbitrary or without application of mind for the sole reason that it was mooted by the MLA. In our view the Division Bench has committed an error in setting aside the judgment of the learned Single Judge."

10.3 Hon'ble Karnataka High Court in ***Usha Mahesh Dasar v. State of Karnataka, 2026 SCC OnLine Kar 795*** while deciding a similar issue has held, as follows:

"31.30. If an impugned action is capable of being explained consistently with statutory authority and can be justified on its merits by reference to relevant material, courts ought not to infer mala fides merely because another possible interpretation may suggest an improper motive.

31.31. Administrative decisions often admit of more than one interpretation. The existence of an alternative narrative or a speculative inference of bad faith does not, by itself, invalidate the action. The court's task is to examine whether the decision is legally sustainable, supported by relevant considerations, and taken within jurisdiction.

31.32. Where the record discloses a lawful basis for the action, and the reasons furnished are germane to the statutory purpose, the court will not substitute





conjecture for evidence. Mala fides cannot be presumed simply because the action is adverse to the petitioner or politically inconvenient. It must be affirmatively established by clear and cogent material.

31.33. Thus, if the action is objectively defensible in law and on facts, courts should refrain from attributing improper motive merely because a different interpretation is conceivable. The doctrine of mala fides requires proof of deliberate misuse of power, not the mere possibility of it."

11. As an upshot of above discussion and analysis, this Court finds that petitioner has failed to demonstrate any arbitrariness, mala fide or violation of any parameter or procedure prescribed, in issuance of impugned notification dated 13.12.2025 (Annexure-20) which warrants interference of this Court in its writ jurisdiction.

12. Present writ petition being devoid of any merit, is hereby, **dismissed.**

13. Stay application and all other pending applications, if any, also stand **disposed of.**

(SANJEET PUROHIT),J

36-sumer/-

