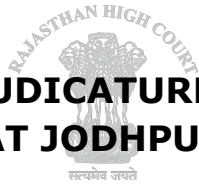




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
AT JODHPUR**



D.B. Civil Writ Petition (PIL) No. 10991/2021  
CNR: RJHC010468222021 | URN: CW / 19909U / 2021

1. Vikram S/o Paras Ram, Aged About 54 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
2. Lacha Ram S/o Viram, Aged About 33 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
3. Ghisa Ram S/o Ratta Ram, Aged About 38 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
4. Soma Ram S/o Hari Ram, Aged About 43 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
5. Chaina Ram S/o Daring Bheel, Aged About 40 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
6. Vanna Ram S/o Deva Ram, Aged About 57 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
7. Ram Lal S/o Hima Lal, Aged About 40 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
8. Smt Anjali Bai W/o Gamna Ram, Aged About 48 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
9. Goma Ram S/o Heera Ram, Aged About 53 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
10. Smt Devali Bai W/o Bhera Ram, Aged About 45 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
11. Smt Andari Bai W/o Mota Ram, Aged About 69 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
12. Mana Ram S/o Bhagga Ram, Aged About 59 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara,





District Rajsamand.

13. Venna Ram S/o Kura Ram, Aged About 46 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
14. Surta Ram S/o Bhera Ram, Aged About 18 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
15. Khema Ram S/o Dau Ram, Aged About 56 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
16. Bhera Ram S/o Kura Ram, Aged About 47 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
17. Ghisa Ram S/o Mota Ram, Aged About 48 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
18. Poona Ram S/o Paras Ram, Aged About 60 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
19. Ram Lal S/o Vanna Ram, Aged About 31 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
20. Kheta Ram S/o Bhanwar Ram, Aged About 34 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
21. Vanna Ram S/o Ratta Ram, Aged About 35 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
22. Bheema Ram S/o Dalla Ram, Aged About 29 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
23. Deva Ram S/o Mana Ram, Aged About 32 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
24. Roda Ram S/o Dau Ram, Aged About 64 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
25. Kanna Ram S/o Talsa Ram, Aged About 48 Years, By





Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.

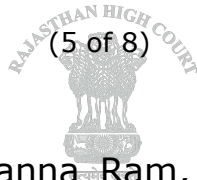
26. Roshan Lal S/o Soma Ram, Aged About 36 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
27. Nana Lal S/o Venna Ram, Aged About 20 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
28. Champa Lal S/o Kesha Ram, Aged About 29 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
29. Smt Meera Bai W/o Bhura Ram, Aged About 85 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
30. Smt Mangali Bai W/o Pema Ram, Aged About 64 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
31. Rajing Ram S/o Pokhar, Aged About 73 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
32. Smt Keshari Bai W/o Rajing Ram, Aged About 62 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
33. Moola Ram S/o Noza Ram, Aged About 24 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
34. Vardichand S/o Noza Ram, Aged About 19 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
35. Ratta Ram S/o Jeta Ram, Aged About 59 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
36. Smt Ganeshi Bai W/o Ratta Ram, Aged About 64 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
37. Jeta Ram S/o Chaina Ram, Aged About 85 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.





38. Smt Vajaki Bai W/o Vishan Ram, Aged About 29 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
39. Duda Ram S/o Darjing Ram, Aged About 45 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
40. Uma Ram S/o Darjing Ram, Aged About 34 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
41. Smt Ganeshi Bai W/o Uma Ram, Aged About 33 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
42. Naru Ram S/o Khuman Ram, Aged About 45 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
43. Smt Sugani Devi W/o Naru Ram, Aged About 42 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
44. Smt Gulabi Bai W/o Gamna Ram, Aged About 40 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
45. Gamna Ram S/o Khuman Ram, Aged About 43 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
46. Mohan Ram S/o Ghisa Ram, Aged About 44 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
47. Babu Ram S/o Venna Ram, Aged About 29 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
48. Panna Ram S/o Noza Ram, Aged About 27 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
49. Champa Lal S/o Kanna Ram, Aged About 19 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
50. Noza Ram S/o Rajinga Ram, Aged About 49 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.





51. Chaina Ram S/o Vanna Ram, Aged About 43 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
52. Padda Ram S/o Khuman Ram, Aged About 50 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
53. Viram Ram S/o Paras Ram, Aged About 54 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
54. Kishan Lal S/o Darjing Ram, Aged About 31 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
55. Hema Ram S/o Heera Ram, Aged About 61 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
56. Smt Parti Bai W/o Hema Ram, Aged About 54 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
57. Chunna Ram S/o Suda Ram, Aged About 41 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
58. Munna Ram S/o Soma Ram, Aged About 18 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
59. Jeewan Lal S/o Chunna Ram, Aged About 20 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.
60. Shambhu Ram S/o Mana Ram, Aged About 20 Years, By Caste Bheel, Resident Of Kumbhalgarh, Tehsil Kelwara, District Rajsamand.

-----Petitioners

Versus

1. Union Of India, Through Its Principal Secretary, Indian Archeological Survey Department, Govt Of India, Delhi
2. Indian Archeological Survey Department, Govt Of India, Delhi, Through Its Managing Director
3. Indian Archeological Survey Departmet, Jodhpur Division, Jodhpur, Through Its Director





4. Indian Archeological Department, Sub-Division, Udaipur, District Udaipur, Through Its Deputy Director
5. Indian Archeological Survey Department, Kumbhalgarh, District Rajsamand, Through Its Officer-In-Charge
6. State Of Rajasthan, Through Its Principal Secretary, Home Department, Govt Of Rajasthan, Jaipur.
7. The District Collector, Rajsamand.
8. Block Development Officer, Panchayat Samiti Kumbhalgarh, District Rajsamand.
9. Gram Panchayat Gawar, Through Its Sarpanch, Kumbhalgarh, District Rajsamand.
10. Gram Panchayat Gawar, Through Its Secretary, Kumbhalgarh, District Rajsamand.

-----Respondents

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|                   |   |                                                                                                                                                                                                                 |
|-------------------|---|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| For Petitioner(s) | : | Ms. Pinki Borana for<br>Mr. Aziz Khan                                                                                                                                                                           |
| For Respondent(s) | : | Mr. I.R. Choudhary, AAG assisted by<br>Mr. Pawan Bharti<br>Mr. Deepak Chandak, AAAG for<br>Mr. B.L. Bhati, AAG<br>Mr. Vivek Shrimali assisted by<br>Ms. Yukti Joshi and<br>Ms. Leena Mehta<br>Mr. Shyam Paliwal |

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**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA**  
**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Order**

**04/08/2026**

1. Reply has not been filed on behalf of the respondents.
2. This Public Interest Litigation has been pending since 2021.
3. The grievance of the villagers, which is being espoused in the present case, is that those residing in Village Gawar, Kumbhalgarh, District Rajsamand, and holding khatedari land since the settlement, are not being permitted to repair their





houses or undertake construction of additional rooms, etc., on account of the growth and increase in their families.

4. The Archaeological department and the State authorities are restraining the villagers from making such constructions, although the constructions are within the residential Abadi area of the village.

5. On the other hand, notices have been issued to the villagers under Sections 3 and 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958, alleging that their properties fall on the edge of the archaeological site of Kumbhalgarh Fort.

6. Residences in the Fort in Rajasthan is not a new feature. Most of the forts are having residences, and the local people residing in and around the fort areas are being provided all facilities like in Jaisalmer, Chittorgarh and even within the walled cities of Jaipur, Bikaner and certain areas of the walled city of Jodhpur.

7. Persons who have been residing there for generations and even centuries cannot be ousted merely in the name of protecting archaeological sites. While, it should not be mistaken to mean that archaeological sites should not be protected but if separate houses are existing adjacent to or appurtenant to an archaeological site, they need to be given due protection. For that purpose, the persons residing therein ought to be permitted to undertake appropriate repairs and additional construction over the existing structures.

8. In the garb of such protection, it should not be misunderstood by the State that new constructions should be



permitted in the area. Any new construction, where foundation is constructed, shall not be allowed. However, existing houses standing with old foundations would be repaired and further constructions thereon would also be permitted.

9. However, before making any such additional construction, the concerned person shall obtain the requisite permissions in accordance with the applicable building norms. It is made clear that this shall, in no manner, permit any encroachment upon the existing archaeological site.

10. With the above observations, the present Public Interest Litigation stands disposed of. It shall always be open to the parties to seek clarification, if so required. In any individual case, clarification may be sought from the Court, if the need so arises.

(SANJEET PUROHIT),J

(SANJEEV PRAKASH SHARMA),ACJ

101/Kshama Dixit