

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

D.B. Spl. Appl. Writ No. 233/2020

Jagdish

----Appellant

Versus

State Of Rajasthan

----Respondent

Connected With

D.B. Spl. Appl. Writ No. 125/2020

Ramdev

----Appellant

Versus

State Of Rajasthan

----Respondent

For Appellant(s) : Mr. Moti Singh Rajpurohit
Mr. Manjeet
Mr. Manoj Chotia
For Respondent(s) : Mr. R.S. Choudhary
Mr. B.R. Chahar
Ms. Rekha Borana, AAG
Ms. Vaishali Parihar

**HON'BLE THE CHIEF JUSTICE INDRAJIT MAHANTY
HON'BLE MR. JUSTICE DINESH MEHTA**

Order

09/09/2020

Heard learned counsel for the respective parties.

Respondent No.5 and 6 have raised certain objections on the 'Vakalatnama' filed in SAW No.233/2020, including that an other appeal i.e. SAW No.125/2020 was already filed on behalf of five appellants; four of whom have been named once again in SAW No.233/2020.

Consequently, in order to verify the assertion made by the respondents and to ascertain the genuineness of the signatures

appended on 'Vakalatnama', counsel for the appellant in SAW No.125/2020 is directed to instruct their clients to remain present in person before Registrar (Judicial) on 14.09.2020.

The matter shall be taken up before the Registrar (Judicial) to record their statement and verify their signatures and authenticity of thumb impression on 'Vakalatnama' of SAW No. 125/2020 & 233/2020.

Apart from the above, learned counsel for the respondents No.5 and 6 further submits that in SAW No.233/2020, signatures of appellants No. 2, 4, 7, 8, 10, 13, 15, 16, 18, 21, 24, 25, 26, 28, 29, 32, 36, 46, 47, 48, 49, 51, 52, 193, 53, 54, 58, 59, 61, 64, 66, 67, 68, 70, 76, 79, 80, 81, 83, 85, 86, 91, 94, 97, 103, 104, 105, 114, 118, 119, 120, 121, 122, 123, 125, 126, 128, 150, 174, 178, 180, 182, 186 and 191 are forged and incorrect.

Accordingly, counsel for the appellants is also directed to inform the above appellants to remain present in person before the Registrar (Judicial) on 14.09.2020, for verification of their signatures and for identification of parties.

Learned counsel for the appellants submits that the 'Vakalatnama' and the signatures appended thereon have been verified and attested by the Notary Public.

Registry is also directed to instruct the concerned Notary Public to remain present before the Registrar (Judicial) for conducting the aforesaid enquiry.

List this matter on 14.09.2020 before the Registrar (Judicial) and any other date that may be fixed by the Registrar (Judicial) for the purpose of conducting aforesaid enquiry.

Report be submitted before this Court by 25.09.2020.

List this matter on 28.09.2020.

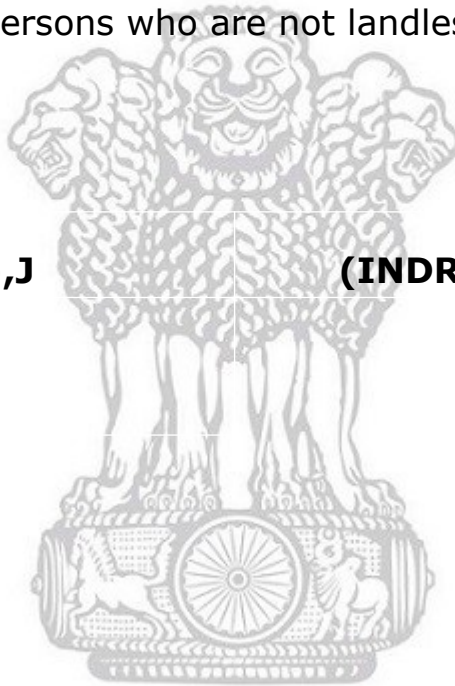
As an interim measure, we direct the State to take such steps as may be permissible to verify the nature of the encroachment and the nature of land whether restricted or not and if encroachment of landless persons is found in any of these cases, such persons may be allotted land and a building, that may be available. But till such time that alternative is not made available, they shall not be dispossessed.

The aforesaid process is likely to complete within a period of three to six months. Therefore, till alternate land site and/or building is not made available to the appellants – only those who are landless, no eviction shall be made thereto. This order shall not apply to those persons who are not landless.

(DINESH MEHTA),J

(INDRAJIT MAHANTY),J

4-5-ArunV/-



सत्यमेव जयते