



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

IN RE:

Illegal Registration of Municipal Properties (incl. Judges' Bungalows, Geeta Bhawan, Schools, Colleges & Temples as well as Khasra 482/485/490) as Waqf Assets in Jodhpur.

**HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE PRAVEER BHATNAGAR**

Order

27/07/2026

1. The Constitution of India rests upon the foundational assurance that governance shall be according to law and that every exercise of public or statutory power shall remain subject to constitutional discipline. The rule of law admits of no authority to alter the legal character, ownership or incidents of property except in accordance with law. This constitutional assurance assumes greater significance where public property, places of religious significance, educational institutions and properties occupied by citizens are concerned, for their legal status cannot be created, altered or extinguished merely by an administrative entry, declaration or digital record unsupported by lawful authority and due process. Articles 14 and 300-A embody this constitutional discipline by requiring fairness and non-arbitrariness in State



action and by protecting every person against deprivation of property save by authority of law.

2. India's constitutional commitment to secularism further requires the State and its instrumentalities to maintain principled neutrality in matters concerning religious institutions and endowments. Article 25 protects freedom of conscience and the free profession, practice and propagation of religion, while the constitutional scheme neither permits the State to confer a proprietary character upon property merely on account of a religious claim nor allows an otherwise lawful religious endowment to be disturbed except in accordance with law. Questions concerning the character of religious property must, therefore, be determined through the procedure established by the applicable law and upon material capable of sustaining such determination.

3. The sanctity of public records is an essential incident of orderly governance. Revenue records, statutory registers and digital databases maintained by public authorities carry consequences extending beyond mere documentation; they affect administration, possession, transactions and the legitimate expectations of citizens and public institutions. Where different public records attribute fundamentally inconsistent legal characters to the same property, particularly where property recorded in the name of a local authority is simultaneously reflected as a religious endowment, the inconsistency cannot be permitted to subsist without scrutiny of the authority, procedure and material upon which such entries came to be made.



4. It is against this backdrop that attention has been drawn to a news report published in the daily newspaper Dainik Bhaskar (Jodhpur Edition) dated 27.07.2026 under the headline "जोधपुर में दो जजों के बंगले, गीता भवन, स्कूल-कॉलेज और 4 मंदिर वक्फ बोर्ड के नाम दर्ज किए", together with the accompanying investigative report. The report, supported by references to revenue records (Jamabandi), Waqf Gazette entries and the Umeed Portal, discloses grave and shocking irregularities in the recording of large tracts of land and numerous public, institutional, residential and religious properties as Waqf properties.

5. The material placed before this Court reveals, *prima facie*, the following:

(a) Khasra Nos. 482 (37.06 bigha), 485 (74.11 bigha) and 490 (36.01 bigha) of Jodhpur Rural stand recorded in the revenue records (Jamabandi) in the name of the concerned revenue authority. However, mutation in respect of Khasra No. 490 was effected as recently as 12.03.2016. The nature of the land is shown as "Kabristan", yet the area comprises dense residential and commercial localities.

(b) Despite the above, the entirety of these Khasras, or substantial portions thereof, have been entered in the Waqf Gazette and uploaded on the Umeed Portal as Waqf property.

The properties so recorded include, *inter alia*:

- Sohanlal Manihar School;
- Shah Govardhanlal Kabra College;
- Kabra Matrushi Kala Mandir;
- Agarwal Bagichi and Agarwal Mahavir Temple;





- Satguru Kabir Ashram;
- Goureshwar Mahadev Temple;
- Maru Lohar Sikligar Temple (Khasra 485);
- Joonagar Nyati Bagichi (Sibanchi Gate) (Khasra 482);
- Two Nyati Bhawans and numerous other residential and commercial properties.
- Official residences (bungalows) of two Judges, namely, Hon'ble Mr. Justice Vinit Kumar Mathur (Sitting Judge of this Hon'ble Court and Hon'ble Mr. Justice Prakash (Former Judge of this Hon'ble Court & Former Chief Justice of Jharkhand High Court)
- Geeta Bhawan (a major religious institution of the Hindu community)

(c) The entry has been made without the appointment of a Mutawalli (Maker), in clear violation of the statutory scheme under the Waqf Act, 1995. The process of uploading, checking and approval appears to have been carried out in a mechanical and opaque manner at the Maker-Checker-Approver levels, including alleged data entry under the guise of "training" at the Marwar Muslim Educational Society premises.

(d) Historical properties such as Tunwarji ka Jhalra (constructed approximately 250 years ago during the reign of Maharaja Abhay Singh Rathore) have also been recorded as "Jhalra for Taziya" in the Waqf records as far back as 1965, despite the absence of any contemporaneous dedication as Waqf.

6. Revenue records maintained by the State constitute an important public record reflecting, inter alia, the recorded





ownership, possession, nature and classification of land. Where properties standing recorded in such records in favour of a public authority or other persons are subsequently reflected in the Waqf Gazette or on the Umeed Portal as Waqf properties, any such entry must necessarily trace its foundation to authority of law and to due observance of the procedure prescribed under the Waqf Act, 1995 and other applicable laws. Any unilateral declaration or entry affecting the legal character of such properties, if found to have been made without adherence to the statutory requirements, including those contemplated under Sections 36, 40, 54 and other relevant provisions of the Waqf Act, 1995, and without notice or opportunity to the recorded owner or other affected persons wherever required by law, would raise serious concerns of arbitrariness, procedural illegality and deprivation of property otherwise than by authority of law, engaging the constitutional guarantees under Articles 14, 25 and 300-A of the Constitution of India.

7. The prima facie inclusion of educational institutions, places of worship, judicial residences and numerous residential and commercial properties within the Waqf records, despite the apparent position emerging from the revenue records, raises concerns extending beyond individual disputes concerning title or possession. The issue bears upon the sanctity and reliability of public records, the lawful administration of Waqf properties, the integrity of the process through which entries have been made in the Waqf Gazette and uploaded on the Umeed Portal, and the protection of public as well as private property from alteration of



its legal character except through a procedure sanctioned by law. The nature and magnitude of the properties involved, therefore, disclose questions of substantial public importance requiring examination on the basis of the original official records.

8. Having regard to the nature of the material brought to the notice of this Court; the substantial extent of land involved; the apparent inconsistency between the revenue records and the Waqf records; and the fact that the properties stated to be affected include public, institutional, religious, residential and commercial properties as well as official judicial residences, this Court considers it necessary that the matter be examined in the larger public interest. Accordingly, this Court deems it appropriate to take suo motu cognizance of the matter and direct registration of the present proceedings as a Public Interest Litigation.

9. Let the matter be registered as a writ petition titled:

SUO MOTU : IN RE

Illegal Registration of Municipal Properties (incl. Judges' Bungalows, Geeta Bhawan, Schools, Colleges & Temples as well as Khasra 482/485/490) as Waqf Assets in Jodhpur.

Versus

- 1. Union of India, through the Ministry of Minority Affairs, Government of India, New Delhi.**
- 2. State of Rajasthan, through the Secretary, Department of Minority Affairs and Waqf, Government of Rajasthan, Secretariat, Jaipur.**
- 3. The District Collector, Jodhpur.**



4. The Municipal Corporation, Jodhpur, through its Commissioner.

10. Issue notice to all the respondents.

10.1. Mr. Shyam Sunder Paliwal, learned Deputy Government Counsel, is directed to accept notice on behalf of respondent No.1, which he accepts.

10.2. Mr. B.L. Bhati, learned Additional Advocate General, assisted by Mr. Deepak Chandak, is directed to accept notice on behalf of respondents No.2 & 3, which he accepts.

10.3. Mr. Rajesh Panwar, learned Senior Counsel and Additional Advocate General, assisted by Mr. Ayush Gehlot, is directed to accept notice on behalf of respondent No.4, which he accepts.

10.4. In view of the above, all the respondents stand duly served.

11. In order to ascertain the correct factual and legal position and to preserve the subject matter of the proceedings, this Court considers it appropriate to issue the following directions, without expressing any opinion at this stage on the rights, title or character of the properties in question:

(a) Until further orders of this Court, status quo, as it exists today, with regard to the ownership and legal status of the properties falling within Khasra Nos. 482, 485 and 490 of Jodhpur Rural, as well as the properties specifically referred to in the news report, shall be maintained. No mutation, transfer, lease, licence, construction, demolition or other action altering their existing physical or legal status shall be undertaken on the basis of the entries forming the subject matter of these proceedings.



(b) The District Collector, Jodhpur shall preserve the existing revenue records relating to the aforesaid properties and shall place before this Court, by the next date, duly authenticated copies of the current Jamabandi, Record of Rights, mutation registers, relevant revenue maps and other material records pertaining thereto.

(c) The District Collector, Jodhpur shall cause a physical verification of Khasra Nos. 482, 485 and 490 and submit a factual report indicating the existing nature and use of the land, the properties situated thereon and their status as reflected in the official records, accompanied by photographs and GPS particulars.

(d) The Chief Executive Officer, Rajasthan Board of Muslim Waqf shall produce the complete original record relating to the inclusion, recording and/or uploading of the properties in question in the Waqf Gazette and on the Umeed Portal, including the material forming the basis thereof, and shall file an affidavit explaining the statutory basis and procedure followed in making such entries, including the position regarding appointment or recording of a Mutawalli in relation thereto.

(e) The District Minority Welfare Officer, Jodhpur shall file an affidavit placing on record the factual circumstances relating to the data-entry exercise concerning the Umeed Portal stated to have been undertaken at the premises of Marwar Muslim Educational Society, including the nature



and purpose of the training programme, if any, conducted in connection therewith.

(f) All concerned authorities shall preserve the relevant original physical and electronic records pertaining to the properties and entries forming the subject matter of these proceedings until further orders.

(g) The affidavits, records and reports directed hereinabove shall be filed/produced before this Court by the next date.

12. Mr. Moti Singh (R/638/2003) and Mr. Abhishek Mehta (R/596/2014), learned Advocates, are appointed as *Amicus Curiae* to assist this Court in the matter.

13. List the matter on **11.08.2026**.

14. The newspaper report published in Dainik Bhaskar (Jodhpur Edition) dated 27.07.2026 shall be treated as a part of the record.

15. The Registry is directed to register the present proceedings as a *Suo Motu* Public Interest Litigation under Article 226 of the Constitution of India and furnish copies of this order along with the newspaper report relied upon herein to the learned *Amicus Curiae* as well as all the respondents for immediate compliance and necessary action.

(PRAVEER BHATNAGAR),J

(DR.PUSHPENDRA SINGH BHATI),J

Skant/-