

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

S.B. Civil Writ Petition No. 331/2025

Gopal Singh Chouhan S/o Sh. Kan Sinh Chouhan, Aged About 60 Years, R/o- Plot No. 8 And 9, Mangal Vihar Colony, Near R.t.o., Jodhpur (Rajasthan).

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Department Of Local Self Government, Secretariat, Jaipur.
2. The Director And Special Secretary, Directorate Of Local Self Government Department, G-3, Rajmahal Residential Area, C-Scheme Near Civil Line Phatak, Jaipur-16, Rajasthan.
3. The Commissioner, Municipal Corporation, Jodhpur South, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Khet Singh Rajpurohit Mr. Ritu Raj Singh Rathore
For Respondent(s)	:	Mr. Rajesh Panwar, AAG assisted by Mr. Monal Chugh Ms. Pratishtha Dave

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

06/05/2026

1. The present writ petition has been filed with the following prayer:

"It is, therefore, humbly and respectfully prayed that writ petition of the petitioner may kindly be allowed and by an appropriate writ, order or direction: -

(A) The order dated 09.11.2023 (Annx.10) passed by the Commissioner, Municipal Corporation, Jodhpur South, may kindly be quashed and set aside.

(B) That the order dated 13.11.2024 (Annx.18) passed by the Appellate Authority i.e. the Director & Special Secretary, Directorate of Local Self Government Department, Jaipur may kindly be quashed and set aside.

(C) That consequent to aforesaid, the seizure for 90 days, which was effected by order dated 09.11.2023 (Annx.10), the same may kindly be revoked.

(D) Any other relief, which this Hon'ble Court may deem just and proper in the facts and circumstances of the case, may kindly be granted in favour of the petitioner.

(E) Cost of the writ petition may kindly be awarded to the petitioner."

2. Heard learned counsel for the parties.

3. It is contended by learned counsel for the petitioner that the petitioner purchased Plot Nos.8 and 9 situated at Mangal Vihar Colony, Near R.T.O., Ward No.77, B.J.S., Jodhpur by way of registered sale-deeds from the legal representative of late Shri Brahm Singh Parihar and construction permission was also granted by the JDA, Jodhpur on 13.08.2010

4. It is further submitted that though, a complaint was submitted by one Ajay Singh in relation to Plot No.368, no complaint whatsoever was made against the petitioner or the plots in question, yet the respondent-Municipal Corporation included the petitioner's plots in the proceedings and ultimately passed the seizure order dated 09.11.2023. Learned counsel further submits that the notices alleged to have been issued by the respondents were never served upon the petitioner.

5. Learned counsel further submits that the petitioner thereafter obtained the note-sheets and relevant record under the RTI, from which it transpired that proceedings against the petitioner were initiated only by referring to the complaint pertaining to Plot No.368. It is also submitted that as per the drawing drawn by J.En, Municipal Corporation, construction was being raised on an area measuring 80x40 feet against the total plot area measuring 80x60 feet and thus, setbacks existed at site.

6. It is further submitted that the petitioner had specifically brought to the notice of the authorities that construction permission had already been granted by the JDA, Jodhpur in the

year 2010 and even the Deputy Commissioner, Municipal Corporation, Jodhpur South, vide communication dated 16.04.2024 addressed to the Director-cum-Special Secretary, Directorate of LSGD, Jaipur, recommended that the seizure had been effected by mistake and the property deserved to be de-seized. However, despite the aforesaid position and despite the Municipal Corporation not filing any reply before the Appellate Authority, the appeal preferred by the petitioner came to be dismissed vide order dated 13.11.2024.

7. Mr. Rajesh Panwar, learned AAG and Mrs. Pratishtha Dave, learned counsel appearing for the respondents, while opposing the writ petition, do not dispute that no specific complaint was made against the petitioner. They also do not dispute the contents of the communication dated 16.04.2024 issued by the Deputy Commissioner, Municipal Corporation, Jodhpur South, wherein it was observed that the jurisdiction in the matter vested with the Jodhpur Development Authority, which had granted the construction permission, and further that the property in question had been seized inadvertently and therefore recommended to be de-seized.

8. This Court has considered the submissions advanced by learned counsel for the parties and perused the material available on record.

9. In the present case, admittedly, no specific complaint was made against the petitioner or the plots in question and the proceedings were initiated on the basis of a complaint relating to Plot No.368. It is also not disputed that construction permission

had been granted by the Jodhpur Development Authority on 13.08.2010.

10. Considerably, the communication dated 16.04.2024 (Annx.15) records that the property in question fell within the jurisdiction of the Jodhpur Development Authority and that the seizure had been effected inadvertently by the then officers of the Municipal Corporation. The said communication also recommends de-seizure of the property and the respondents have not disputed the contents thereof.

11. In view of the aforesaid admitted position, coupled with the petitioner's contention regarding lack of effective opportunity of hearing, this Court is of the opinion that the impugned orders dated 09.11.2023 and 13.11.2024 cannot be sustained and the same are accordingly quashed and set aside. The respondent-Municipal Corporation is directed to forthwith de-seize the property in question.

12. It is, however, made clear that this Court has not expressed any opinion on the merits of the alleged violations, if any, and the respondents/competent authority including the Jodhpur Development Authority shall remain at liberty to initiate appropriate proceedings afresh, if so required, strictly in accordance with law and after affording due opportunity of hearing to the petitioner.

13. The writ petition stands allowed in above terms.

14. Stay petition as well as all pending application(s), if any, shall stand disposed of accordingly.

(MUKESH RAJPUROHIT),J