

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

D.B. Civil Writ Petition No. 610/2012

Shyam Nagar Vikas Samiti

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Ravi Bhansali, Sr. Advocate assisted by Mr. Vipul Dharnia Mr. Vikas Balia, Sr. Advocate assisted by Mr. Sachin Sarswat Mr. Bhavit Sharma Mr. Hukum Singh
For Respondent(s)	:	Mr. Anand Purohit, Sr. Advocate assisted by Mr. Kapil Purohit Mr. Rajiv Purohit Mr. S.G. Ojha Mr. Sunil Purohit Mr. Vinay Jain with Mr. Darshan Jain

HON'BLE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

15/03/2024

Referring to a map Annex.-R2/6 annexed along with an application by the Jodhpur Development Authority, learned counsel appearing for the petitioner would submit that the lands in dispute i.e. allotted plots to the members of the petitioner Society are situated in Khasra Nos.771, 805/769 and 769 which according to them is Shyam Nagar Society area, are different and distinct from the plots comprised in Rajiv Gandhi Colony situated in Khasra No.751/3.

On the other hand, learned counsel appearing for respondent No.4 Rajiv Gandhi Colony would submit that the plots on which the members of Rajiv Gandhi Housing Society have constructed

their houses are situated in Khasra Nos.771, 771/805, 771/809, 771/810, 771/813 and 769/805. He would further submit that the plots in respect of which the petitioner is seeking relief, are those very plots on which the members of Rajiv Gandhi Housing Society are in occupation.

Since a factual dispute appears to have been raised before this Court, we direct Jodhpur Development Authority to carry out spot inspection by a team of officers of JDA in the presence of nominated officers of the Municipal Corporation, Jodhpur and submit report along with map to verify, whether the plots which are mentioned in the allotment letters of the members of petitioner Society are different or same as plots of members of Rajiv Gandhi Colony.

The report shall be submitted within a period of four weeks.

Though learned counsel for the respondents would submit that earlier a report was obtained by this Court vide orders dated 08.07.2003, 25.07.2003 and 08.08.2003 passed in D.B. Civil Writ Petition No.477/2002 (Smt. Manju Jain vs. State & Ors.) after hearing learned counsel for the parties, we are inclined to obtain another report as the petition of Smt. Manju Jain has already been disposed off.

The petitioner as well as respondent No.4 shall submit a copy of their respective pattas before this Court.

List the mater on 16.04.2024

(MUNNURI LAXMAN),J

(MANINDRA MOHAN SHRIVASTAVA),CJ