

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

D.B. Writ Contempt No. 625/2023

Mahesh Kumar Pal S/o Shri Late Banwari Lal, Aged About 36 Years, By Caste Pal, R/o Golf Course, Near Police Out-Post, Police Station, Ratanada, Jodhpur (Rajasthan).

-----Petitioner

Versus

1. Mr. T. Ravikanth, Principal Secretary (Additional Charge), Urban Development And Housing Department, Rajasthan Secretariat, Jaipur.
2. Mr. Himanshu Gupta, District Magistrate And Collector, Jodhpur.
3. Mr. Kailash Chand Meena, Commissioner, Jodhpur Development Authority , Jodhpur.
4. Mr. Jai Narayan Meena, Secretary, Jodhpur Development Authority, Jodhpur.
5. Mr Atul Prakash, Commissioner Municipal Corporation (North), Jodhpur.

-----Respondents

For Petitioner(s)	: Mr. Karan Parihar
For Respondent(s)	: Mr. Ayush Gehlot for Mr. Rajesh Panwar, AAG

**HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE MUNNURI LAXMAN**

Order

11/11/2024

1. The present contempt petition has been filed for willful disobedience of the order dated 07.02.2022, passed by this Court in D.B. Civil Writ Petition No.7032/2021.
2. In pursuance of the order dated 07.02.2022, the petitioner filed a representation before the District Collector, Jodhpur, who also happens to be the Chairman of Public Land Protection Cell,

Jodhpur, constituted under the order dated 30.01.2019, passed in ***D.B. Civil Writ Petition (PIL) No.10819/2018 : Jagdish Prasad Meena & Ors. Vs. State of Rajasthan & Ors.*** The District Magistrate did not process for a long time and decided the representation of the petitioner vide order dated 24.05.2024.

3. Learned counsel for the petitioner submits that firstly, the respondent-authorities are guilty of willful disobedience of the order passed by this Court, as the directions were issued way back on 07.02.2022 for deciding the representation within a period of three months but the authority has passed the order after more than two years i.e. on 24.05.2024 and the reply does not show why such delay occurred in non-compliance of the order of this Court.

4. The second submission is that the Public Land Protection Cell, Jodhpur, constituted under the judicial order of this Court in the case of *Jagdish Prasad Meena* (supra) was created with the object and purpose to decide all cases of encroachments, irrespective of the fact whether the land was situated in the Panchayat area or Municipal area or the area comprised of the Development Authority or Urban Improvement Trust.

5. As far as second submission is concerned, after going through the order passed by this Court in *Jagdish Prasad Meena* (supra), we find that the order of this Court was intended to create a cell to deal with the cases relating to encroachment on lands comprised in Panchayat area under the control of the revenue authorities, which is clear from the observations made by this Court in the aforesaid order.

6. Pertinently, it has been observed that the Public Land Protection Cell, Jodhpur shall keep in view the guidelines issued by the Hon'ble Supreme Court in ***Jagpal Singh & Ors. Vs. State of Punjab & Ors., (2011) 11 SCC 396***. That order relates to eviction of illegal/unauthorised occupants of the Gram Sabha/Gram Panchayat/Poramboke/Shamlat land for being restored to the Gram Sabha/Gram Panchayat for the common use of the villagers of the village.

Even otherwise, if the land is within the local limits of the Jodhpur Development Authority, Jodhpur and it is comprised in the Master plan for the use of bus stand, it would be outside the jurisdiction of Public Land Protection Cell and therefore, the order by which, it has been directed that the matter may be forwarded for consideration of complaint and query to the Commissioner, Jodhpur Nagar Nigam North, does not warrant any interference.

7. We, however, find that the authority has taken more than two years to pass that order.

8. This Court passed an order way back on 07.02.2022, directing the Public Land Protection Cell, Jodhpur to decide the matter within a period of three months. The Public Land Protection Cell, Jodhpur is headed by the District Magistrate and Collector.

9. It appears that after the order of the High Court was passed, nobody looked into the matter to examine whether the action was required to be taken by the Public Land Protection Cell, Jodhpur or by the local body.

10. This contempt petition itself was filed in the year 2023.

11. Apparently, once the notices of the contempt petition were issued, the authorities swung in action for the first time and then only the matter was examined.

12. This Court finds that where contempt petitions are filed, before the contempt petitions are decided, the authorities who are in-charge of the office and are obliged to comply with the Court's order, are transferred and new officers come in their place. In this manner, not only the contempt petitions remain pending, but also the order of the Court is not complied with.

13. The petitioner is directed to implead the concerned Collector, Sub-Divisional Officer and Tehsildar, who were in the office on the date when the order was passed, so that notices can be issued to them and if it is found that they did not pay heed to the order of this Court, appropriate punishment order could be passed including jail sentence.

14. List the matter after four weeks.

(MUNNURI LAXMAN),J

(MANINDRA MOHAN SHRIVASTAVA),CJ