

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

D.B. Civil Writ Petition No. 12774/2021

All Residents Of Ansal Sushant City, Bhakrasani, Jodhpur-342013 Through - 1. Tej Prakash Pathak S/o Late Sh. Ram Kailash Pathak, Aged- 47 Years, Resident Of D-226, Ansal Sushant City, Bhakrasani, Jodhpur (Rajasthan). 2. Prakash Kumar S/o Shri Binda Singh Aged- 39 Years, Resident Of House No. D-397-A, Ansal Sushant City, Bhakrasani, Jodhpur (Rajasthan).

----Petitioner

Versus

1. The State Of Rajasthan, Through Principal Secretary, Local Self Government Department, Govt. Of Rajasthan, Jaipur.
2. Secretary, Public Health And Engineering Department, Rajasthan, Jaipur.
3. Jodhpur Development Authority, Through Its Secretary, Jda Circle, Jodhpur.
4. Executive Engineer, Public Health And Engineering Department, City Division- Jodhpur.
5. Ansal Properties And Infrastructure Limited, Through Its General Manager (Projects), Local Office- Bhakrasani, Jodhpur.
6. The Managing Director, Star Facilities Management Limited, Local Office- Sushant City, Bhakrasani, Jodhpur.
7. Sushant City Residents Welfare Society, Through Its Secretary Sh. Nishchal Shrivastava, Resident Of D-372-373, Ansal Sushant City, Bhakrasani, Jodhpur.

----Respondents

Connected With

D.B. Civil Writ Petition No. 13083/2021

Sushant Lok Residents Welfare Society, Registered Address R-113, Sushant Lok Ansal Api, Pali Road, Jodhpur (Raj.) Pin Code 342013 Through Its President.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Urban

Development And Housing Department, Secretariat,
Jaipur (Raj.).

2. The Principal Secretary, Public Health Engineering
Department, Jaipur (Raj.).
3. The Principal Secretary, Public Work Department,
Secretariat, Jaipur (Raj.).
4. District Collector, District Jodhpur (Raj.).
5. Jodhpur Development Authority, Jodhpur (Raj.) Through
Its Secretary.
6. Gram Panchayat, Balaji Nagar, Panchayat Samiti Luni,
District Jodhpur (Raj.) Through Secretary.
7. Ansal Properties And Infrastructure Pvt. Ltd., Registered
Address 115, Ansal Bhawan, 16 Kasturba Gandhi Marg,
New Delhi, Pin Code 110001 Through Its Managing
Director.
8. Jodhpur Vidhyut Vitran Nigam Ltd., Jodhpur, New Power
House Road, Jodhpur, Through Its Secretary.

-----Respondents

For Petitioner(s)	:	Mr. Deen Dayal Chitlangi Mr. Sushil Bishnoi
For Respondent(s)	:	Mr. S.S Rathore, AAG assisted by Mr. Rajendra Singh Mr. Rajesh Panwar, AAG assisted by Mr. Ayush Gehlot Mr. Anil Upadhyay Mr. Kuldeep Kumar Shah Ms. Avya Gupta for Mr. Rajat Dave

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

21/08/2024

1. Today when the matter comes up for further consideration,
learned counsel appearing for PHED department would submit that
the project for drawl of water through pipelines is on and is likely

to be completed in about one year. It is further submitted by the learned counsel for the JDA as well as PHED that in compliance of the order passed by this Court earlier, an arrangement for supply of water in terms of specific direction contained in paragraph 14 of the order dated 03.04.2024 is being maintained.

2. An issue also arose for consideration at the instance of the submissions made by the learned counsel for the JDA that the builder has failed to deposit the required amount as per MOU entered into between the UIT(predecessor) and the concerned builder on 04.12.2007 read with the Rajasthan Township Policy, 2002. In this regard, attention has been drawn to the averments which have been made in paras 5 to 8 of the joint compliance report cum reply on behalf of Jodhpur Development Authority and Public Health Engineering Department.

3. The learned counsel appearing for developer however disputes his liability.

4. Be that as it may, if the development authority is of the view that the builder has failed to deposit the required amount, these proceedings shall not come in way of the development authority in recovering the amount payable under the law to it by the developer by drawing appropriate proceedings against the developer.

5. These petitions be listed in the fourth week of September, 2024.

6. The learned counsel for the JDA shall supply the pleadings/ compliance reports submitted by them before this Court to respondent No. 5 developer.

7. On the next date of hearing, learned counsel appearing for the respondents including State of Rajasthan, PHED and development authorities shall apprise the Court with regard to the regulatory mechanism, if any, and whether there exists a mechanism for registration of sale deed of houses constructed by coloniser and whether any certificate is issued in favour of the builder with regard to the complete development including arrangement for supply of water, electricity as also drainage facility and access to the colony.

(MADAN GOPAL VYAS),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

48-49-divyaP/-