

HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR

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

All Residents Of Ansal Sushant City

-----Petitioner

Versus

The State Of Rajasthan

-----Respondent

Connected With

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

Sushant Lok Residents Welfare Society

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. D.D. Chitlangi Mr. Sushil Bishnoi
For Respondent(s)	:	Mr. Rajat Dave Mr. Rajesh Panwar, Sr.Adv. & AAG with Mr. Ayush Gehlot Mr. S.S. Rathore, AAG with Mr. Rajdeep Singh Chouhan Mr. K.K. Shah Mr. Anirudh Singh Shekhawat for Mr. Rajendra Prasad, A.G. Mr. Ajay Kishan Chhangani, Superintending Engineer, PHED, District Circle – Jodhpur Mr. M. Kirad, E.E. PHED.

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA

HON'BLE MR. JUSTICE MADAN GOPAL VYAS

Order

01/10/2024

1. Learned counsel appearing for builder-respondent Nos.5 and 6 submits that he has submitted his response.
2. Learned Senior Counsel appearing for the development authority placed before the Court the regulatory mechanism provided under Rajasthan Township Policy, 2010 in respect of area

above 10 Hectares of Land to submit that the scheme requires necessary facilities including water facilities to be developed by the builder and then only the completion certificate is granted.

3. Learned counsel for the petitioner points out that this policy was framed in the year 2010, whereas in the present case, the township was developed by the builder under the then existing policy of 2002.

4. Learned counsel appearing for J.D.A. is directed to place before the Court the original records relating to grant of facility by the developer and on what basis the satisfaction was arrived at with respect to the houses and on what basis, J.D.A. proceeded to allot houses and plots to the residents.

5. List these cases in the last week of October, 2024.

6. The cases which are coming up before Court indicate that the lands/houses are being allotted to public without there being properly developed drainage, electricity and water supply facilities. Henceforth, the Development Authority - UDH and Corporations in the State shall ensure that no builder is allowed to sell plots and houses without having fulfilled all the obligations imposed on him under the building regulations. It is only when the development authority certifies that the colony developed by builder is habitable in all respects i.e. there are developed drainage facilities, electricity facilities and water facilities available to future occupants including all other facilities as per the regulations that the occupation of the residential places shall be permissible. The State and the development authority shall ensure that the individual buyers are not defrauded by the builders. The responsibility would be of the development authorities to ensure

that development takes place in accordance with the development plan and any situation like the present one where without water facilities having been developed, thousands of persons have started living, does not happen again.

7. The Secretary, UDH is directed to issue necessary directions in compliance of the order passed by the Court to all the development authorities of the State.

(MADAN GOPAL VYAS),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

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