

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. Deen Dayal Chitlangi Mr. Sushil Bishnoi
For Respondent(s)	:	Mr. Rajendra Prasad, Sr. Adv. & AG along with Mr. A.S. Shekhawat Mr. Rajesh Panwar, Sr. Adv. & AAG along with Mr. Ayush Gehlot Mr. S.S Rathore, AAG along with Ms. Mehali Mehta Mr. Kuldeep Kumar Shah Mr. Anil Upadhyay Mr. Rajat Dave with Ms. Avya Gupta

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA

HON'BLE MR. JUSTICE MUNNURI LAXMAN

Order

21/11/2024

The case was directed to be listed today with specific direction to the development authority to produce 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 JDA proceeded to allot houses and plots to the residents.

After hearing learned counsel for the parties at length and perusing the records which were referred to before us, we find that even though there was no possibility of procuring water from outside into the proposed developed colony, the development authority and the developer both proceeded to involve individual purchasers to purchase plots and also to raise construction. This eventually resulted in a situation that large number of persons started residing in the colony without there being any possibility of supply of water in future. This situation is sought to overcome with temporary arrangements of having supply of water through tankers, which is still continuing as on today.

It appears that now the development authority has raised certain demands from the developer so that the necessary supply system could be developed for bringing water at the door of the society for internal distribution. This is still worse. The colony was established since long and it appears that even now the development authority, PHED and the developer are at loggerheads and for one reason or the other, the project may be adversely affected in future. The developer has to either deposit the amount demanded by the JDA within a period of two months from today or in alternative the developer may challenge the said notice. Unless the notices are challenged by the developer in appropriate proceedings in accordance with law, it will be obliged under the law to deposit the money as demanded by the development authority.

On the earlier date of hearing, learned Additional Advocate General Mr. Rajesh Panwar stated and today learned Advocate General has also made statement with regard to the affidavit

which has been placed before this Court by stating that new project is going ahead with an aim to ensure that water supply system comes into operation within next 6 months.

In the meanwhile, the present supply system shall be continued.

Learned Advocate General further informs that new township policy is under contemplation to take care of various problems which have been noticed by this court during the course of the hearing of this case.

List these cases after six weeks.

(MUNNURI LAXMAN),J

(MANINDRA MOHAN SHRIVASTAVA),CJ

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