

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

D.B. Spl. Appl. Writ No. 1749/2025

1. Jodhpur Development Authority, Jodhpur Through Its Secretary.
2. Jodhpur Development Authority, Through Its Deputy Commissioner Zone 4 Jodhpur.

----Appellants

Versus

1. Gaurik Industrial Developers Lp, Having Its Office At 112 Abhay Garh Scheme Opposite Central School Jodhpur Through Its Authorized Representative Mr Chandra Prakash Tiwari Son Of Bhaskar Tiwari Age 45 Years Resident Of 21/619 Chopasani Housing Board, Jodhpur.
2. State Of Rajasthan, Through Its Secretary Department Of Urban Development And Housing Secretariat Jaipur.
3. Municipal Corporation Jodhpur (South), Through Its Commissioner Residency Road Jodhpur.

----Respondents

For Appellant(s) : Mr. Rajat Dave

For Respondent(s) : Ms. Alankrita Sharma
Mr. Hemant Kumar Ballani

**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU**

Judgment

25/02/2026

1. The present special appeal writ has been preferred by the appellant-Jodhpur Development Authority (for short 'the JDA') being aggrieved by the order passed by the learned Single Judge dated 28.08.2025 in S.B. Civil Writ Petition No.13569/2025, as

well as order dated 11.09.2025 in S.B. Writ Misc. Application No.342/2025.

2. The learned Single Judge has disposed of the writ petition vide order dated 28.08.2025 directing the respondent-JDA to decide the application of the petitioner under Section 90-A of the Rajasthan Land Revenue Act, 1956 (for short 'the Act of 1956') in view of the communication dated 20.06.2025. The application was preferred thereafter for clarification/modification of the order in view of the fact that the respondents were not proceeding in light of the communication dated 01.07.2025, which was already on record, but the reference was not made in the order. Hence, the learned Single Judge clarified the order to decide the application ignoring the instructions in communication dated 01.07.2025 and the pending litigation.

3. Learned counsel for the appellant has contended that although he is not aggrieved by the order passed by the learned Single Judge to decide the application, but however, is aggrieved of the order dated 11.09.2025, by which, the learned Single Judge has ordered to decide the application ignoring the pending litigation. It is stated that such directions tantamount to interfering with the procedure provided under the Rajasthan Urban Areas (Permission for use of Agricultural Land for Non-agricultural Purposes and Allotment) Rules, 2012 (for short 'the Rules of 2012'). The Rules of 2012 not only provide that there should not be any stay/injunction over the land in question but also provides that the land must be free from all encumbrances and disputes, and since the review petitions filed by the Municipal Corporation

and Rajasthan Housing Board was pending consideration before this Hon'ble Court, directions of the learned Single Judge would interfere in the decision of the applications as per the Rules.

4. It is also stated that the application of the petitioners/respondents under Section 90-A of the Act of 1956 has already been rejected vide order dated 11.09.2025, looking to the fact of pendency of the review petitions filed in the Special Appeal Writs, and aggrieved against the said order, S.B. Civil Writ Petition No.18776/2025 has already been filed.

5. In such circumstances, it is prayed that the orders impugned may be quashed and set aside.

6. While defending the orders impugned, learned counsel for the respondents has argued that the appellant has been consciously and deliberately harassing the petitioner/respondent, and purposely delaying the adjudication of the application. It is submitted that the SB Civil Writ Petition No.1643/2024 has been already been dismissed by this Court vide order dated 01.05.2024, and the Special Appeal has also been dismissed vide order dated 19.07.2024. It is stated that thereafter the Contempt Petition No.1315/2024, which was filed for flouting the order dated 09.09.2024 passed in S.B. Civil Writ Petition No.12931/2024, was disposed of vide order dated 12.03.2025 at the joint submission of both the parties that they shall confine their claims as per the demarcation by the revenue authorities, and the municipal corporation was directed not to create any hindrance in the possession of the petitioner-Gaurik Industrial Developers (LLP). It is stated that thereafter in order to purposely create hindrance, a

letter dated 01.07.2025 was issued by the JDA seeking further clarification from the Municipality despite the earlier letter already issued by the Municipality on 20.06.2025, stating that there is no interim order by any competent court on the land in question.

7. It is submitted that in view of the same, malafidely, the JDA wanted to unnecessarily harass the petitioners and creating a ground for rejection of the application, whereas the same was beyond the scope of the Rules of 2012 and there was no restriction on conversion by any court of competent jurisdiction in view of Rule 3(i)(xi).

8. In such circumstances, it is stated that under the garb of letter dated 01.07.2025, the respondents were not proceedings with the application and hence clarification was sought, which in no manner violates any of the conditions of the Rules of 2012, as such instructions or decision, or any pending ligation itself does not bar the consideration of the application. It is also brought to the knowledge of this Court that the application was rejected on 11.09.2025 on the basis of review petition filed by the Jodhpur Municipal Corporation, being review petition No.70/2025, as well as by the Rajasthan Housing Board, being review petition No.96/2025, and these review petitions also have been dismissed vide order dated 27.01.2026.

9. In view of the same, it is prayed that the special appeal may be dismissed.

10. We have heard learned counsel for the parties and perused the material available on record.

11. The facts of the case are not in dispute that the writ petition challenging the order of the Revenue Minister, Government of Rajasthan stood dismissed vide order dated 01.05.2024. The special appeal writ No.642/2024 preferred against the said order also stood dismissed vide order dated 19.07.2024. The respondents had not decided the application under Section 90-A filed by the petitioner. Thereafter, the respondent-Municipal Corporation, had proceeded to establish the parking yard on the land of the petitioners beyond their share, despite the interim order passed in S.B. Civil Writ Petition No.12931/2024, hence, the contempt petition No.1315/2024 was preferred. In the said contempt petition, learned counsel for the Municipal Corporation has specifically stated that inadvertently the area beyond their share was mentioned. Thereafter the demarcation was ordered to be done, and both the parties having taken the respective possession as per the demarcation done by the revenue authorities, the contempt petition was disposed of vide order dated 12.03.2025 with the consent of the parties. Despite that, the application under Section 90-A filed by the petitioner/respondent was not decided, hence, the same gave rise to filing of the writ Petition No.13569/2025, from which, the present Special Appeal arises.

12. The Municipal Corporation vide letter dated 20.06.2025, in reply to the letter of the JDA, specifically stated that there was no stay of any competent court operating. However, despite that a letter dated 01.07.2025 was issued seeking information regarding prospective appellate remedies, whereas both parties had

accepted the demarcation and the issuance of the said letter was absolutely uncalled for. But despite that, only in order to keep the matter pending, the said letter was issued and clarification was sought by the petitioners that such communication should be ignored, as the earlier letter was already on record, however, the same did not find mention in the order dated 28.08.2025.

13. Rule 3(i)(xi) does not contemplate any embargo on consideration of an application under Section 90-A merely on account of pendency of litigation or internal administrative deliberations, as sought vide letter dated 01.07.2025. The only restriction envisaged is where a competent court has imposed a specific prohibition. Hence, the application of the petitioner could not have been kept pending or rejected on these grounds, and the order impugned dated 11.09.2025 only clarified what was already implicit under rule 3(i)(xi).

14. It is also noteworthy that the order dated 11.09.2025 was passed in the presence of counsel representing the appellant and no objection was raised at that stage, therefore, the appellant cannot now be permitted to assail the same.

15. Even otherwise, the JDA had rejected the application under Section 90-A vide order dated 11.09.2025 only on the basis of pendency of review petitions, which is beyond the scope of Rules of 2012. The review petitions No.70/2025 as well as 96/2025 also stood rejected by the Division Bench vide order dated 27.01.2026. However, as, order dated 11.09.2025 passed by JDA has been challenged by the respondent/petitioner in S.B. Civil Writ Petition

No.18776/2025, therefore we refrain from making any further observation on this aspect.

16. In view of the aforesaid discussion, this Court finds no infirmity in the orders dated 28.08.2025 and 11.09.2025 passed by the learned Single Judge. No ground for interference is made out in the present special appeal, accordingly the same being devoid of merit, stands dismissed.

17. All pending application(s), if any, stand disposed of.

(BALJINDER SINGH SANDHU), J (SANJEEV PRAKASH SHARMA), ACJ