

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 1416/2022

Rajesh & Anr.

-----Petitioners

Versus

Bhartiya Rashtriya Rajmarg Pradhikaran & Ors.

-----Respondents

For Petitioner(s)	:	Mr. Sanjay Mehrish
For Respondent(s)	:	Mr. Akshay Sharma, AGC
		Mr. Vinay Mathur
		Mr. Bhrigu Sharma

HON'BLE MR. JUSTICE MAHENDAR KUMAR GOYAL

Order

28/03/2022

Heard on the application under Article-226(3) of the Constitution of India filed on behalf of the respondent-National Highway Authority of India (NHAI) for vacating the ex-parte interim order dated 31.01.2022.

Counsels for the respondent-NHAI submits that under the garb of interim order passed by this Court dated 31.01.2022, the petitioners are not allowing the NHAI & obstructing in constructing the highway over the land in dispute.

Counsel for the petitioners submits that he has no objection with regard to construction of highway and the possession of the land in dispute has already been taken over by the authorities of the NHAI.

Heard counsels for the parties and perused the record.

Considering the facts and circumstances of the present case as well as the submissions made by counsels for the respective

parties, I deem it just and proper to modify the order dated 31.01.2022 as under:-

“Till pendency of the present writ petition, further proceedings before the court below shall remain stayed and the National Highway Authority of India is permitted to construct the highway over the land in dispute and the petitioner and respondent Nos.1 & 2 are directed not to create any obstruction in construction of the highway.”

The order dated 31.01.2022 is accordingly modified as recorded above. The application (1/2022) for vacation filed by the respondent-NHAI stands disposed of.

List the writ petition for final disposal on 04.04.2022 alongwith S.B. Civil Writ Petition No. 4805/2021.

(MAHENDAR KUMAR GOYAL),J

Lakshya Sharma/40

