

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. (PIL) Writ Petition No. 3633/2023

Jitendra Kumar Fatnani Son Of Late Shri Dayaram and Anr.

-----Petitioners

Versus

State Of Raj and Ors.

-----Respondents

For Petitioner(s) : Mr. Anil K. Sharma

For Respondent(s) : Ms. Shikha Sharma, AAAG

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

23/04/2026

The Deputy Commissioner, Nagar Nigam, Kota South has filed an affidavit.

We find that the contents therein reflect the casual attitude of the Deputy Commissioner, Nagar Nigam, Kota South, who has filed an evasive affidavit, wherein he states "*since on the alleged road in question there is already no traffic/movement, there is no question of causing hindrance in the movement of the local people.*"

The present case itself has been filed stating that on the road, obstruction has been caused by the Municipal Council and naturally, therefore, there can be no traffic movement existing, unless the encroachment on the road is removed. By stopping the construction work of the Yog Bhawan would not resolve the issue of removing the obstruction on the existing road.

Let Deputy Commissioner, Nagar Nigam, Kota South file a fresh affidavit with compliance, opening the existing road by



removing the obstruction and the wall duly constructed, as is reflected from the photographs placed before us with the petition.

The Deputy Commissioner, Nagar Nigam, Kota South, who had filed the reply, shall also remain present in the Court on the next date.

List on 25.05.2026.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

N.GANDHI/RAJAT/45