

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

D.B. Civil Writ Petition No. 10882/2010

Babu Nagar Vikash Samiti

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

Connected With

D.B. Civil Writ Petition No. 7244/2010

Bapu Nagar Vikas Samiti

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

For Petitioner(s) : Mr. Vimal Choudhary with
Mr. Yogesh Tailor

For Respondent(s) : Mr. K.S. Rawat on behalf of
Mrs. Naina Saraf for JMC
Mr. Ajeet Bhandari with
Mr. Atul Bhardwaj

**HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PRAKASH GUPTA**

Order

17/09/2019

The controversy in these cases pertains to conversion of land use from residential to commercial (of plot No.B-70, Rajendra Marg, Bapu Nagar, Jaipur). The petitioner relies upon the statement and comments of the Town Planner for the proposal of conversion, stating that the essential characteristic of dominant use of the land in the locality is residential, which would be disturbed. The writ petitioner complains that the permission granted for conversion has serious repercussions.

After notice was issued in one of the proceedings, the Court had directed appointment of a Commissioner.

The copies of photographs taken at the site show that a multistoried building has been constructed. By various interim

orders the commercial use of the property has been restrained. The plot is about 600 Sq. Yds.; the building constructed appears to cover the entire area of the plot.

After having considered the Commissioner's report and the relevant materials on record, the Court is of the opinion that the contesting private respondents should produce the sanctioned plan and whether clearance for the multi-storied structure, which is proposed to be used for commercial purposes, was obtained. The photograph *prima-facie* discloses that there is no setback on either side and the plot appears to have been constructed to the extent of 100%. Such a construction cannot, but be a nuisance in a predominantly residential area.

Learned counsel for the respondents seeks adjournment to produce the copy of the sanctioned plan.

List on 18.10.2019.

(PRAKASH GUPTA),J

(S. RAVINDRA BHAT),CJ

/Kamlesh Kumar/54-55

