

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3649/2025

Jagdish Prasad Sharma Son Of Shri Gangabux Shrama

-----Petitioner

Versus

Jaipur Development Authority and Ors.

-----Respondents

For Petitioner(s)	:	Mr. Mahendra Kumar
For Respondent(s)	:	Ms. Mahi Yadav, AAG with Mr. Kuldeep Singh Rathore, AAAG Mr. Sunil Nath and Mr. Pratik Jain for applicant Offshore Infrastructure Ltd.

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

18/02/2026

Application (IA No.1/2026)

An application (IA No.1/2026) has been filed under Article 227 of the Constitution of India under Order 1 Rule 10 CPC by the applicant- M/S Offshore Infrastructure Limited.

The learned counsel for the applicant submits that after the allotment of the land in question vide order dated 11.07.2024 by the Jaipur Development Authority (for short 'JDA') to the Public Health Engineering Department (for short 'PHED'), the applicant was assigned the work order for the construction of an overhead water tank. He further submits that the construction of the overhead water tank is about to complete and the applicant firm has incurred huge expenditure in raising the construction of the overhead water tank and because of the interim order passed by the Co-ordinate Bench of this Court vide order dated 12.03.2025, the applicant is not able to complete the construction and without

completion of the work, he is unable to get the amount from the PHED, which is causing huge financial loss to him. He also submits that any order passed in the present writ petition at any stage would necessarily affect the rights of the applicant and, therefore, the applicant may be impleaded as a party respondent.

The learned counsel for the petitioner has opposed the prayer made by the learned counsel for the applicant and submits that the applicant has no locus to file this application, as no relief has been sought qua him.

Considered the submissions made by the learned counsel for the petitioner as well as the learned counsel for the applicant.

It is not in dispute that the JDA made allotment of the land in question vide order dated 11.07.2024 to the PHED and thereafter, the PHED assigned the work of construction of overhead water tank to the applicant firm and because of the order passed by the Co-ordinate Bench on 12.03.2025, the applicant firm is not able to complete the construction and to get released the amount, as per the Notice Inviting Tender (for short 'NIT') and the work order.

Taking into consideration the overall facts and circumstances of the case and in opinion of this Court, the applicant is a necessary and effective party, hence, application (IA No.1/2026) is allowed and it is ordered that the applicant- M/S Offshore Infrastructure Limited be impleaded as party respondent No.4.

The learned counsel for the petitioner is directed to file amended cause-title within a period of one week.

Application (IA No.1/2025)

This application has been filed by the applicant-respondent No.3 for vacation of ex-parte interim order dated 12.03.2025.

Ms. Mahi Yadav, the learned Additional Advocate General appearing for the applicant- respondent No.3, submits that the land in question being recorded in the name of JDA, was allotted to the PHED vide order dated 11.07.2024 and, thereafter, they assigned the work of construction of overhead water tank to the M/S Offshore Infrastructure Limited. She further submits that the construction of overhead water tank has completed more than 60% and because of the ex-parte interim order, the further construction of overhead water tank is put to hold. She also submits that the overhead water tank is being constructed to supply the drinking water to the public at large and because of the interim order, the construction work has been put to hold and will cause injury to the public at large for getting the drinking water and, therefore, the ex-parte interim order dated 12.03.2025 deserves to be vacated. She also submits that the petitioner would be able to get his rights at the final disposal of the litigation pending qua the land in question and no irreparable injury is being caused to him, however, on the other hand a huge irreparable injury is caused to the public at large because of the interim order dated 12.03.2025.

The learned counsel for the petitioner submits that the petitioner has a legal right over the land in question and he has also filed a suit for correction of entry in the revenue record and declaration in his favour.

Considered the submissions made by the learned counsel for the petitioner as well as the learned counsel for the applicant-respondent No.3 and also perused the material made available on record.

The land in question has been allotted to the PHED vide order dated 11.07.2024, as the said land at the relevant time was recorded in the name of JDA and, therefore, the JDA is quite competent to allot the land in question to PHED.

As regards the submissions of the learned counsel for the petitioner that a civil suit is pending in regard to the land in question, this Court is of the opinion that in case the petitioner succeeds in the suit proceedings up to the final stage, the relief prayed by him in the civil suit can also be fulfilled at the later stage but, holding the construction for overhead water tank at this stage, is going to cause irreparable injury to the public at large.

Taking into consideration the overall facts and circumstances of the case, this Court deems just and proper to vacate the ex-parte interim order dated 12.03.2025. However, it is made clear that any construction raised over the land in question, will remain subject to final outcome of this writ petition and so also any litigation pending qua the land in question.

Application (IA No.2/2026)

In view of the order passed in application (IA No.1/2025), application (IA No.2/2026) also stands disposed of.

(GANESH RAM MEENA),J