

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No.4285/2026

1. Kana Ram Meena Son Of Shri Kalyan Sahay, Aged About 46 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
2. Asha Daughter Of Shri Sitaram, Aged About 22 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
3. Omprakash Son Of Shri Sitaram, Aged About 20 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
4. Kamlesh Son Of Shri Chhotu, Aged About 36 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
5. Kailash Son Of Shri Kalu, Aged About 40 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
6. Guddi Wife Of Sitaram, Aged About 45 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
7. Gulab Wife Of Shri Ramkishan, Aged About 80 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
8. Gopal Son Of Shri Kalyan, Aged About 60 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
9. Chandlal Son Of Shri Lallu, Aged About 48 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
10. Jagdish Son Of Shri Lallu, Aged About 50 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
11. Nandu Devi Wife Of Shri Chhotu, Aged About 65 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
12. Babulal Son Of Shri Ramesh, Aged About 23 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)

13. Bhorilal Son Of Shri Ramkishan, Aged About 50 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
14. Mohan Son Of Shri Chhotu, Aged About 38 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
15. Ramprasad Son Of Shri Lallu, Aged About 60 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
16. Rameshwar Son Of Shri Chhotu, Aged About 45 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
17. Lalli Devi Wife Of Shri Ramesh, Aged About 50 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
18. Lalita Daughter Of Sitaram, Aged About 19 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
19. Suresh Son Of Shri Sitaram, Aged About 24 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
20. Hanumansahay Son Of Shri Phoolchand, Aged About 55 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
21. Halkhya Son Of Shri Kalyan, Aged About 75 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
22. Ramkanwar Son Of Shri Prahlad Meena, Aged About 50 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
23. Harinarayan Son Of Shri Harnath Bairwa, Aged About 45 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
24. Gyarsi Devi Widow Of Late Shri Kalyan, Aged About 65 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)
25. Jagdish Son Of Late Shri Kalyan, Aged About 52 Years, Resident Of Village Barkheda, Tehsil Chaksu, District Jaipur (Rajasthan)

26. Ramjilal Son Of Late Shri Kalyan, Aged About 48 Years,
Resident Of Village Barkheda, Tehsil Chaksu, District
Jaipur (Rajasthan)

-----Petitioners

Versus

1. State of Rajasthan, Through Its Principal Secretary, Urban Development And Housing Department, Secretariat, Jaipur.
2. The Jaipur Development Authority, Through Its Secretary, Ram Kishore Vyas Bhawan, Indira Circle, Jawahar Lal Nehru Marg, Jaipur.
3. The Land Pooling Officer, Additional Commissioner (Land Acquisition Office), Land Pooling Scheme-Village Shivdaspura, Chandlai and Barkheda, Office At Jaipur Development Authority Ram Kishore Vyas Bhawan, Indira Circle, Jawahar Lal Nehru Marg, Jaipur.

-----Respondents

For Petitioner(s)	:	Ms.Pallavi Mehta, Adv. with Mr.Saurav Mehta, Adv.
For Respondent(s)	:	Mr.Virendra Lodha, Senior Advocate assisted by Mr.Ankit Rathore, Adv. for R-2
		Mr.Abhishek Sharma, Adv. with Ms.Pooja Sharma, AAAG, & Mr.Vishal Kumar, Adv. for State (R-1 and R-3)

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

HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

21/04/2026

1. Learned counsel for the petitioners submits that the State Government has promulgated the Rajasthan Land Pooling Schemes Act, 2016 (hereinafter 'the Act of 2016') (which has been notified on 29th June, 2018 after receiving the assent of the President on 14th June, 2018), whereby, powers have been given to the Local Authority or any other agency to frame and declare

its intention to make a scheme known as 'Land Pooling Scheme' with respect to any area of land and publish the same.

2. Section 11 of the Act of 2016 provides as under:-

"11. Vesting of land in appropriate authority:-

(1) Where a draft scheme has been sanctioned by the State Government under sub-section (2) of section 10, (hereinafter in this section, referred to as 'the sanctioned draft scheme'), all lands required by the appropriate authority for the purposes specified in clauses (iii), (vi), (vii) or (viii) of sub-section (1) of section 6 shall vest absolutely in the appropriate authority free from all encumbrances.

(2) Nothing in sub-section (1) shall affect any right of the owner of the land vesting in the appropriate authority under that sub-section.

(3) The provisions of sections 31 and 32 shall *mutatis mutandis* apply to the sanctioned draft scheme as if the sanctioned draft scheme were a preliminary scheme."

3. Section 6 of the Act of 2016 lays down that scheme may be provided for the following matters namely:-

- "i. the laying out or relaying out of land, either vacant or already built upon;;
- ii. the filling up or reclamation of low-lying, swampy or unhealthy areas, or levelling up of land;
- iii. layout of new streets or roads, construction, diversion, extension, alteration, improvement and closing up of streets and roads, and communications;
- iv. the constructions, alteration and removal of buildings, bridges and other structures;
- v. the allotment or earmarking of land for roads, open spaces, gardens, recreation grounds, schools, markets, industrial and commercial activities, green belts, dairies, transport facilities and public purposes of all kinds;
- vi. drainage inclusive of sewerage, surface or sub-soil drainage and sewerage disposal;
- vii. lighting;
- viii. water supply;
- ix. the preservation and protection of objects of historical or national interest or natural beauty

and of buildings actually used for religious purposes;

x. the earmarking of land for the purpose of providing affordable housing for class of people as may be determined by the State Government;

xi. (a) the allocation of land from the total area covered under the scheme at least to the extent of-

(i) fifteen percent for parks, playgrounds, garden and open spaces and social infrastructure such as schools, dispensary, fire brigade, community facilities, and public utility;

(ii) fifteen percent for roads; and

(iii) fifteen percent for sale by appropriate authority for residential, commercial or industrial use depending on the nature of development including minimum 5% for Economically Weaker Sections and Lower Income Group housing:

Provided that the percentage of the allocation of land may be altered depending upon the nature of development and for the reasons to be recorded in writing;

(b) the proceeds from the sale of land referred to in part (iii) of sub-clause (a) shall be used for the purpose of providing infrastructure facilities;

xii. the imposition of conditions and restrictions in regard to the open space to be maintained around buildings, the percentage of building area for a plot, the number, size, height and character of buildings allowed in specified areas, the subdivision of plots, the discontinuance of objectionable uses of land or buildings in any area in specified periods, parking spaces and loading and unloading spaces for any building and advertisement signs;

xiii. the suspension, so far as may be necessary, for proper carrying out of the scheme, of any rule, bye-law, regulation, notification or order made or issued under any Act of the State Legislature or any of the Acts which the State Legislature is competent to amend:

Provided that any suspension under this clause shall cease to operate in the event of the State Government refusing to sanction the preliminary scheme or in the event of withdrawal of scheme, under Section 28 or on the coming into force of the final scheme; xiv. protection of the natural disaster or hazard prone areas;

xv. such other matters not inconsistent with the objects of this Act, as may be prescribed."

4. Mere look at the above, it is apparent that virtually any land for which the scheme is drafted, would thereafter be under the control of the Appropriate Authority. Even the existing roads and streets may be closed at the instance of Jaipur Development Authority which is the Appropriate Authority in the present case, buildings may be removed and altered without any further compensation for them and the land may be allocated for parks, playgrounds, roads and for sale to various categories of persons and even the rules, by-laws, regulations would be suspended for proper carrying out of the scheme and the Land Pooling Scheme will override even the rules framed under any Act of the State legislature.

5. Once the State Government sanctions the previous scheme, virtually the land is taken over of any individual person who is having lease over it from the JDA earlier or may be having a khatedari land. The scheme does not precede any land acquisition proceedings.

6. Section 5 of the Act of 2016 allows a draft scheme to operate and power is available to the State Government to require the Appropriate Authority to get the scheme sanctioned. Thus, even without sanctioning of the scheme by the State Government, the same can be operated.

7. Provisions of Sections 14 and 15 of the Act of 2016 would result in any person other than the owner who may be allowed to make development on the said land which may belong to the another agriculturist.

8. Sections 31, 46 and 47 of the Act of 2016 provide as :-

"31. Power of appropriate authority to evict summarily.- On and after the date on which a

preliminary scheme comes into force, any person continuing to occupy any land which he is not entitled to occupy under the preliminary scheme shall, in accordance with the prescribed procedure, be summarily evicted by the appropriate authority.

46. Compensation in respect of property or right injuriously affected by scheme.- The owner of any property or right which is injuriously affected by the making of a land pooling scheme shall, if he makes a claim before the Land Pooling Officer within the prescribed time, be entitled to be compensated in respect thereof by the appropriate authority or by any person benefited or partly by the appropriate authority and partly by such person as the Land Pooling Officer may in each case determine:

Provided that the value of such property or rights shall be deemed to be its market value at the date of the declaration of intention to make a scheme or the date of the notification issued by the State Government under sub-section (2) of section 5 without reference to improvements contemplated in the scheme, as the case may be.

47. Exclusion of compensation in certain cases-(1) No compensation shall be payable in respect of any property or private right which is alleged to be injuriously affected by reason of any provisions contained in the land pooling scheme, if under any other law for the time being in force applicable to the area for which such scheme is made no compensation is payable for such injurious affection.

(2) Any property or private right shall not be deemed to be injuriously affected by reason of any provision inserted in a land pooling scheme which imposes any conditions and restrictions in regard to any of the matters specified in clause (xii) of sub-section (1) of section 6."

9. *Prima facie*, we find that the said Act and the Scheme framed therein do not confirm to the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, as the novel method

of land acquisition as envisaged in the Act of the State Government would result in taking away the properties of the land owners and agriculturists without being awarded any compensation.

10. In view thereto, the scheme as notified by the JDA dated 18.01.2024 and the Land Pooling Scheme published by the JDA dated 15.02.2024 for Village Shivdaspura, Chandlai and Barkheda Tonk Road Jaipur and for Village Achrawala, Jaisinghpura urf Tejawala and Abhaypura, Diggi-Malpura Road, Jaipur shall remain stayed and the JDA is restrained from proceeding further.

11. It is further directed that no possession shall be taken of the land owners by the Jaipur Development Authority till the next date of hearing.

12. List this case on 27th May, 2026.

13. The JDA and the State Government are free to file their reply and may also move an appropriate application for modification or vacation of stay order.

(SHUBHA MEHTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ