

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 3534/2025

Dr. Alok Saxena S/o Shri B.b. Saxena & Ors.

-----Petitioners

Versus

Jaipur Development Authority & Ors.

-----Respondents

For Petitioner(s)	:	Mr. N.K. Maloo, Sr. Adv. assisted by Mr. Abhimanyu Yaduvanshi, Mr. Harsh Pratap Singh & Mr. Ajay Singh Rajawat
For Respondent(s)	:	Mr. Amit Kuri, Mr. Harshvardhan Shekhawat & Ms. Nandini Mishra

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

12/03/2025

1. The issue involved in instant writ petition, is in respect of change of alignment of 160ft wide road to be constructed from Induni Phatak to Bus Stand No.7 Crossing, Mahal Road, in furtherance to the Master Development Plan- 2011.
2. Having heard learned Senior Counsel appearing on behalf of petitioners and the learned counsel, appearing for respondent No.1- Jaipur Development Authority (for short "JDA") on Caveat, *prima facie*, it appears that in respect of the road in question, JDA itself took a stand that width of the road upto 160ft shall be made, taking 80ft from each side from the center line of the existing road, and on the basis of such stand of JDA, judgment dated 19.09.2002 in a Reference Petition No.159/2000 was passed by the Tribunal, which attained finality. It appears that the same judgment dated 19.09.2002 was further relied upon by the Appellate Tribunal, JDA in a subsequent judgment dated 09.09.2015 passed in Reference No.100/2015 and additionally, JDA was authorized to constitute a Committee of technical experts for re-

inspection of the alignment of proposed 160ft road. Copies of both the judgments are available on record as Annexures 2 & 4.

3. It appears that thereafter, JDA in its Building Plan Committee (BPC) (LP) Meeting No.351 dated 09.04.2024, while considering the issue under agenda No.4, changed the alignment of road contrary to its previous stand, hence, such change of alignment was put to challenge by petitioners, whose houses are constructed in the nearby area and are affected persons by change of alignment of the road, by way of filing appeal before the Appellate Tribunal, JDA, Jaipur, which has been dismissed vide judgment dated 18.02.2025 and such judgment has been challenged by the petitioners, by means of filing instant writ petition

4. Learned counsel, appearing on behalf of JDA, prays for and is granted ten days' time to file reply to the writ petition as also of stay application.

5. On the prayer of learned Senior Counsel for petitioners, issuance of notices upon respondents No.2 to 9, who are proforma respondents, is dispensed with at this stage. Hence, service be treated as complete.

6. In the meanwhile, without staying the construction of the road in question, it is hereby directed that JDA shall ensure to abide by its own stand to construct the 160ft road in question (Induni Phatak to Bus Stand No.7 Crossing, Mahal Road) by taking 80ft towards each side from the center line of the road, but not on the basis of decision taken in the BPC (LP) Meeting dated 09.04.2024 under agenda No.4.

However, respondent No.1- JDA would be at liberty to move application for vacation of this interim stay order, after filing of reply or in changed circumstances, if need so arises.

(SUDESH BANSAL),J