

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Revision Petition No. 76/2025

Jaipur Development Authority

-----Petitioner

Versus

Ravi Soni S/o Shri Kailash Chand Soni,

-----Respondent

For Petitioner(s) : Mr. R.D. Rastogi, Senior Advocate
assisted by Mr. Devesh Yadav & Mr.
Samaksh Dasot

For Respondent(s) :

HON'BLE MR. JUSTICE ASHOK KUMAR JAIN

Order

06/03/2025

1. Considered defect raised by Office, the defect is ignored and over-ruled.
2. Aggrieved from order dated 01.03.2025 in civil suit No. 63/19 passed by learned Additional District and Sessions Judge No.9, Jaipur Metro-I, instant revision petition is preferred by petitioner-defendant No.2, wherein the petitioner has challenged dismissal of application under Order VII Rule 11 CPC.
3. Learned Senior Advocate appearing on behalf of petitioner submits that the land in question bearing khasra No. 415/1 Village Bagrana, admeasuring 1 bigha 10 biswa was surrendered (acquisition by mutual agreement) in favor of JDA for infrastructural project i.e. for construction of clover leaf to connect national highway and by-pass road connecting national highway. He further submits that after aforesaid agreement and surrender of land on 28.11.2018 by land-holder-tenant Smt. Uma Khanuja, a

civil suit was filed by respondent No.1-plaintiff on the basis of an agreement dated 09.10.2016 allegedly entered by Smt. Uma Khanuja in favor of plaintiff Ravi Soni, and injunction was sought against legal provisions. He also submits that the matter pertains to infrastructural project and a specific provision is made by Parliament by amending the Specific Relief Act which came into force on 01.10.2018, thereby restricting injunction against infrastructural project. He further referred Section 20-A of Specific Relief Act and submits that in wake of Section 41(ha), no Court can grant injunction to cause impediment or obstruction in execution of any infrastructural project. He submits that such a suit filed for specific performance and injunction is thoroughly barred against present petitioner-JDA but the Trial Court has continued the suit despite knowing the fact that the suit is barred by law and same is liable to be dismissed under Rule 11(d) of Order VII of CPC.

4. He further placed reliance upon judgment in case of **M/s N.G. Projects Limited Vs. Vinod Kumar Jain and Others reported as (2022) 6 SCC 127** and submits that the construction of road and clover leaf to connect national highway and by-pass is admittedly an infrastructural project and keeping in view of intent of Legislature the suit is liable to be dismissed against present petitioner-JDA. Candidly, he submits that herein the land has already vested in JDA in wake of surrender agreement executed by Uma Khanuja (respondent No.2) and dispute of compensation is inter-se between Ravi Soni and Uma Khanuja and JDA has not concerned over this issue, But in case, if Hon'ble this Court directs the JDA, then JDA is ready to

immediately deposit or make payment to the person entitled to receive the payment of compensation. At last, he submits that in case, the matter is not considered immediately then delay in construction of clover leaf on Agra Road (N.H.) may result in any untoward incident, which recently faced by city of Jaipur on Ajmer Road.

5. Having considered the submission of learned Senior Counsel for the petitioner, as the matter requires consideration in wake of legal position as explained by learned Senior Advocate before this Court.

6. Issue notice to respondent No.1.

7. Additional set be issued through registered speed post.

8. Service upon respondent No.2 is dispensed with at the request of learned Senior Advocate for petitioner.

9. Considered stay application.

10. The proceedings before learned Trial Court in civil suit No. 63/2019 shall remain stayed till next date of hearing.

11. List this matter on 28.03.2025.

(ASHOK KUMAR JAIN),J