



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

S.B. Writ Miscellaneous Application No. 49/2020
URN: WMAP / 128U / 2020

Urban Improvement Trust, Alwar through its Secretary

----Respondent-Applicant

Versus

1. Pradeep Jain, (Deceased)
1/1 Atin Jain son of Late Shri Pradeep Jain
1/2 Pooja Jain daughter of Late Shri Pradeep Jain
1/3 Preeti Jain daughter of Late Shri Pradeep Jain
2. Sushil Jain son of Shri Sultan Singh Jain
3. Atul Jain son of Shri Sultan Singh Jain
All resident of Plot No. 2, Scheme No. 10, Alwar
(Rajasthan)
-----Petitioner/Non Applicants
4. The State of Rajasthan, Through Secretary, Department
of Urban Development And Housing, Government Of
Rajasthan, Government Secretariat, Jaipur
5. The Land Acquisition Officer, Urban Improvement Alwar
-----Respondent/Non-Applicants

For Petitioner(s)	:	Mr. Ajay Shukla with Mr. Raghav Sharma, Mr. Shivam Sharma and Ms. Jyoti Sharma
For Respondent(s)	:	Mr. Ajeet Bhandari, Senior Advocate assisted by Mr. Rakshit Jain Mr. Vishal Kumar for Mr. Manoj Sharma, AAG for respondent No.4

HON'BLE MR. JUSTICE ANAND SHARMA

Order

29/06/2026

1. By way of filing this miscellaneous application, prayer has been made by the non-petitioners applicants to recall the order dated 24.01.2017 passed by the Co-ordinate Bench of this Court in S.B. Civil Writ Petition No.15531/2009. Learned counsel



for the petitioner submits that although the applicants are ready and willing to make compliance of order dated 24.01.2017 and have also written letters to the State Government, yet on account of sheer inaction on the part of the State Government, it is not possible to make compliance of order dated 24.01.2017. Learned counsel for the applicants also submits that order dated 24.01.2017 has also been passed by the Court in ignorance of circular dated 03.02.2015, therefore, it is liable to be recalled.

2. Application was seriously opposed by learned Senior Advocate, who appeared for petitioners/non-applicants and submitted that order dated 24.01.2017 has been passed by the Co-ordinate Bench of this Court on the basis of consent given by learned counsel for non-applicants/petitioners. Learned Senior counsel further submits that as recorded in order dated 24.01.2017, similarly situated persons have been extended benefit of allotment of 15% of development plan as per policy of the Government published vide circular dated 03.02.2015, thus, statement of learned counsel for non-applicants/petitioners is incorrect to the effect that circular dated 03.02.2015 has not been considered by the Co-ordinate Bench while deciding the writ petition vide order dated 24.01.2017.

3. Learned counsel for the petitioners/non-applicants further submits that in case, State Government is not allegedly cooperating with the applicants-Urban Improvement Trust (UIT), that cannot be a ground to seek recalling of order dated 24.01.2017, moreso when such order has been passed on the basis of consent given by learned counsel for non-petitioners/applicants.



4. Heard learned counsel for the parties and perused the material available on record.

5. This Court finds that by way of filing S.B. Civil Writ Petition No.15531/2009, the alternative prayer made by the non-petitioners/applicants was to allot land to the petitioners in lieu of acquired land. This Court further finds that learned counsel appearing for non-petitioners/applicants clearly submitted that similarly situated persons have been allotted 15% of developed land as per government policy dated 03.02.2015 and further assurance was given by learned counsel that similar benefits shall be extended to the petitioner also and there was no reason for denying such benefits to the petitioners.

6. On the basis of such statement made by learned counsel appearing for non-petitioner/applicant, order dated 24.01.2017 was passed by the Co-ordinate Bench of this Court. Learned counsel appearing for the non-petitioners/applicants utterly failed to point out any error apparent on the face of the record and the statement given by learned counsel for the petitioner that circular dated 03.02.2015 was ignored by the Co-ordinate Bench of this Court while passing order dated 24.01.2017, also stands falsified by mere perusal Para 2 of order dated 24.01.2017.

7. Moreso, when order dated 24.01.2017 has been passed on the basis of consent given by learned counsel appearing for non-petitioners/applicants, there is no reason to recall the order dated 24.01.2017, particularly when on specific query, learned counsel for the non-petitioners/applicants is not in a position to



dispute the fact that similarly situated persons have already been allotted 15% of development plan.

8. In view of above, this Court does not find any ground to interfere in the instant application and order dated 24.01.2017 passed by the Co-ordinate Bench of this Court is not liable to be recalled. Hence, the present writ miscellaneous application shall stand dismissed.

9. Pending application(s), if any, also stand(s) disposed of.

(ANAND SHARMA),J