

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D. B. Civil Writ Petition (PIL) No. 4122/2024

Suo Moto

-----Petitioner

Versus

Jaipur Development Authority & Others.

-----Respondents

For Petitioner	:	Mr. Shovit Jhajharia Amicus Curiae.
For Respondents	:	Mr. G.S. Gill, Additional Advocate General with Ms. Shikha Sharma Advocate. Mr. B.S. Chhaba Additional Advocate General with Mr. Avinash Chaudhary Advocate. Mr. Sandeep Taneja Additional Advocate General with Ms. Kinjal Surana Advocate.

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE BHUWAN GOYAL

Order

28/03/2024

We have gone through order dated 13.03.2024 passed by the learned Single Judge by which suo moto cognizance has been taken on the basis of a newspaper report. It appears that the learned Single Judge, on the basis of a newspaper report, expressed concern regarding encroachments on public ways and footpaths. The observations, which have been made in the order taking cognizance, are not the findings of facts, but certain concerns raised which led the learned Single Judge to take suo moto cognizance. It appears that on the same day, the Court directed the Commissioner of Police, the Commissioner of Municipal Corporation, DCP, Traffic as also the learned Additional Advocate General to mark their appearance and

certain members of the Bar also marked their attendance and made submissions on the subject of encroachment.

Taking into consideration the concern shown in the order taking cognizance, we are inclined to seek specific report supported with appropriate affidavit from the Commissioner of Police, the Commissioner, Municipal Corporation(Heritage), Jaipur; the Commissioner, Municipal Corporation (Greater), Jaipur, DCP, Traffic, Jaipur as also the Principal Secretary, UDH Department, State of Rajasthan regarding allegations of encroachments made before them and actions taken thereon. It appears that a suggestion was given to the learned Single Judge while taking cognizance, offering aid of the members of the Bar for assistance of the police machinery for removal of the encroachments. A list of advocates areawise was also submitted.

We are of the view that there is no warrant for involving the members of the Bar as removal of encroachments is the duty of the administration. Therefore, we are not inclined to pass further orders on the suggestion as contained in Para no. 16 of the order taking cognizance.

List this matter after four weeks along with D.B. Civil Writ Petition (PIL) No. 4515/2024.

(BHUWAN GOYAL),J

(MANINDRA MOHAN SHRIVASTAVA),CJ