

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

S.B. Civil Writs No. 9336/2015

Smt. Ramjanki Devi W/o Shri Prem Kumar Saini, By Caste Saini,
513-A, Adarsh Nagar, 20 Dukan, Jaipur Raj.

-----Petitioner

Versus

1. Jaipur Development Authority Through Its Secretary,
Ramkishore Vyas Bhawan, J.I.n. Marg, Jaipur Raj..
2. The Appellate Tribunal, Jaipur Development Authority,
J.I.n. Marg, Jaipur Raj..

-----Respondents

For Petitioner(s)	:	Mr. Sandeep Pathak Adv. & Ms. Vartika Mehra Adv.
For Respondent(s)	:	Ms. Anamika Arora Adv.

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR

Order

16/01/2019

Matter comes up on Misc. Application filed by the petitioner seeking direction from this Court and further to grant interim protection to the petitioner and restraining JDA not to take any coercive step regarding plot of the petitioner and further to maintain status quo with regard to the plot of the petitioner during pendency of the writ petition.

This Court finds that the petitioner in the instant petition has challenged the order dt. 18th March, 2015, passed by the JDA Appellate Tribunal, whereby appeal of the petitioner was dismissed.

Counsel submits that initially this Court had issued notices in the writ petition on 20th February, 2018. Counsel for the petitioner

submits that in identical case **S.B. Civil Writ Petition No. 13963/2018 (Ramawatar Kaloya Vs. Jaipur Development Authority)** was filed before this Court and vide order dt. 5th July, 2018, this Court had stayed the operation of order passed by the JDA Tribunal dt. 28th June, 2017 and status quo with regard to property of that petitioner was also maintained.

Counsel submitted that property in question-Plot No. 183-A belongs to the petitioner and the interim order which is passed is in the same vicinity having Plot No. 213-A. Counsel submits that during pendency of the writ petition, the respondents-JDA wants to make construction in the said piece of land and further wants to develop the plot as the facility area by providing Park facilities.

Counsel for the respondent-JDA-Ms. Anamika Arora submits that reply to the application has been filed. Counsel submits that the plot in question is a facility area and the petitioner does not have possession over the facility area. Counsel submitted that as far as Plot No. 213-A is concerned, the lease deed of the plot has not been executed so far.

This Court without expressing any opinion on the merits of the matter, deems it proper to decide the writ petition finally at this stage.

Counsel for the petitioner has prayed for interim protection during pendency of the writ petition by way of the aforesaid application.

Counsel for the respondents, on instructions, submitted that respondent-JDA do not intend to make any construction and only the facility area can be used for the purpose for which it has been earmarked.

It is expected from the JDA Authorities that no further construction be made in Plot No. 183-A till the next date.

Accordingly, the misc. application stands disposed of.

Tag the matter along with S.B. Civil Writ Petition No.13963/2018.

List the matter along with connected matters on 18th February, 2019, for final disposal at this stage.

(ASHOK KUMAR GAUR),J

Monika/25



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