

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5947/2026

M/s Sawai Traditional Llp

-----Petitioner

Versus

State of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. Shivam Kumar Sharma
For Respondent(s)	:	Mr. Bharat Vyas, ASG with Ms. Anima Chaturvedi Mr. B.S. Chhaba, AAG Mr. Vinayam Saran, AAAG Ms. Mani Choudhary, AAAG Mr. Hardik Singh, AAAG Ms. Niharika Choudhary Mr. Manas Singh, DCF & DFD (Deputy Field Director) Ranthambhore Tiger Reserve-I, Sawai Madhopur

HON'BLE MR. JUSTICE SAMEER JAIN

Order

15/04/2026

1. At the outset, learned counsel appearing for the petitioner has submitted that the present petition is filed assailing the impugned notices; with a prayer for quashing the notices dated 28.01.2026, 23.02.2026 and 26.02.2026 issued by respondent no. 2 and the notice dated 16.02.2026 issued by respondent no. 3; and for restraining the respondents from interfering with the vested rights of the petitioner.

2. The nitty-gritty of the instant matter is that the land in question was originally allotted for industrial use in the year 1979, and was subsequently transitioned to tourism use, with due approval from concerned departments, including the requisite NOCs (attained in the years 2008 and 2010), and that on

30.12.2025 the respondent-UIT granted permission for construction and expansion to the petitioner.

3. Learned counsel appearing for the petitioner has submitted that after purchasing the land, the petitioner planned to expand and extend the hotel/resort facilities, for which the official approval under the Building Plan was attained. It is submitted that initially the construction map was approved by the Nagar Palika in the year 2008, however, subsequently, the area concerned was transferred under the ambit and jurisdiction of the UIT, Sawai Madhopur in the year 2010. It is further submitted that despite having permission dated 30.12.2025, on basis of complaints made by some private persons qua 'forest restrictions' the impugned notices were issued.

4. Respondent no.5 appearing via V.C. has submitted that the property in question is situated within 250 m. from the 'Critical Tiger Habitat' (CTH), and therefore, the said property of petitioner is *ab initio, ex facie* in violation of the recurring guidelines enumerated by the Hon'ble Supreme Court in the ratio encapsulated in **T.N. Godavarman Thirumulpad v. Union of India - (In Re: Corbett): 2025 INSC 1325** (relevant paragraphs being 39, 47, and 48), **T.N. Godavarman Thirumulpad v. Union of India: (2022) 10 SCC 544**, **Tata Housing Development Co. Ltd. v. Alok Jagga: (2020) 15 SCC 784** and **Ajay Dubey v. National Tiger Conservation Authority: (2019) 11 SCC 538**. The relevant extract from **T.N. Godavarman Thirumulpad (2022) (supra)**, is reproduced hereinbelow:

"56.1 Each protected forest, that is, national park or wildlife sanctuary must have an ESZ of minimum one kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the Guidelines of 9-2-2011 shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, it shall be 500m so far as subsisting activities are concerned.

56.2 XXX

56.3. The Principal Chief Conservator of Forests as also the Home Secretary of each State and Union Territory shall remain responsible for proper compliance of the said Guidelines as regards nature of use within the ESZ of all national parks and sanctuaries within a particular State or Union Territory. The Principal Chief Conservator of Forests for each State and Union Territory shall also arranged to make a list of subsisting structures and other relevant details within the respective ESZs forthwith and a report shall be furnished before this Court by the Principal Chief Conservator of Forests of each State and Union Territory within a period of three months. For this purpose, such authority shall be entitled to take assistance of any governmental agency for satellite imaging or photography using drones.

56.4 XXX

56.5. In the event any activity is already being undertaken within the one kilometre or extended buffer zone (ESZ), as the case may be, of any wildlife sanctuary or national park which does not come within the ambit of prohibited activities as per the 9-2-2011 Guidelines, such activities may continue with permission of the Principal Chief Conservator of Forests of each State or Union Territory and the person responsible for such activities in such a situation shall obtain necessary permission within a period of six months. Such permission shall be given once the Principal Chief Conservator of Forests is satisfied that the activities concerned do not come within the prohibited list and were continuing prior to passing of this order in a legitimate manner. No new permanent structure

shall be permitted to come up for whatsoever purpose within the ESZ."

(Emphasis laid)

5. It is further submitted that the petitioner has approached the Court with unclean hands, as it is apparent that the petitioner has wrongly reflected the distance of construction from the CTH to be above 1 Km. however, the same is wrongly calculated from the main gate, and that if appropriate measurement is taken, the property in question is not even 100 m. away from the CTH/Tiger Reserve and that the property in question is adjacent to the CTH/Tiger Reserve.

6. Heard.

7. Having done the needful, and being conscious of the doctrine of public trust, and the ratio encapsulated in **T.N. Godavarman Thirumulpad (supra)**, **Tata Housing Development Co. Ltd. (supra)** and **Ajay Dubey (supra)** this Court is of a view that in the matter at hand it *prima facie* appears that there is invalid and irregular sanction and permission attained by the petitioner, as in matters of construction upon land adjacent to CTH, permissions are not only to be attained from the Revenue Department but also from the Forest and Wildlife Department; and the same is absent in the instant matter; nonetheless, in case of any shortcomings by State, in invoking the doctrine of public trust to preserve ecology, it is responsibility of the courts to intervene; thence, in order to attain requisite status, decision and compliance of the guidelines as articulated in catena of judicial precedents and government notifications it is opined that the Union of India shall be proper party in the matter at hand.

8. Accordingly, learned counsel for the petitioner is directed to implead Union of India, National Wildlife Board (through competent authority), and Home Affairs Department, Government of Rajasthan (through competent authority) as parties in array of respondents.

9. Amended cause title be filed.

10. Learned counsel for the petitioner is directed to supply a copy of petition along with necessary documents in the office(s) of learned Additional Solicitor General, and Shri Rahul Lodha, who appears for Rajasthan Forest Department.

11. Reply, be filed, prior to the next date of hearing.

12. Till the next date of hearing, respondent nos. 4 and 5 are directed to seal the property in question; same be taken in legal custody. It is made clear that no further construction be carried out.

13. On the next date of hearing, the respondent no. 5 and the Officer In-charge are directed to remain present in the Court, along with relevant records and being well versed with the facts and status of the *lis* at hand. Additionally, District Collector, Sawai Madhopur is directed to appear via Video Conferencing.

14. List the matter on 05.05.2026, before this Court.

(In IA No. 01/2026)

15. The present application is moved seeking permission for withdrawal of the present writ petition, as the petitioner after filing of the instant petition has reconsidered the matter and is desirous to not pursue the same, at this stage.

16. Respondent no. 5 has vehemently opposed the same, and has submitted that the instant petition is impinging upon

environmental concerns, wherein the applicant-petitioner has played fraud, concealed material facts and circumstances and has also played misrepresentation before the Court. It is submitted *inter alia* factors, it can be noted that the instant matter pertains to construction of hotel/resort/tourism attraction point, upon a land that is adjacent and is barely at a distance of 100 m. from the CTH/Tiger Reserve; that the permission sought by the petitioner is only from the Revenue Department, Government of Rajasthan and not from the Wildlife and Forest Department and is therefor irregular and unlawful; that the construction in question is arbitrary and perverse, for the reason that the same is in violation of the guidelines issued by the Central and State government, and notifications thereto, and the rationale recurringly opined in the ratio of **T.N. Godavarman Thirumulpad (supra)**; that no such permission albeit granted can be considered a valid, sacrosanct document to carry forward construction degrading the ecology. It is lastly submitted that the action of the petitioner is void *ab initio* and the instant litigation is pursued with ulterior motive which shall have a grave bearing upon ecology.

17. It is noted that the instant petition is filed under the provisions of Article 226 and 227 of the Constitution of India, and this Court is conscious of the fact that the writ jurisdiction is not merely invoked for private disputes, but to enforce public duties and protect legal rights, especially when the matter involves public law elements, *inter alia*, environment, wildlife protection illegal construction therein, and in view of the provisions of Articles 48A and 51A (g) the Court has to act as custodian of public interest.

18. It is *prima facie* noted that the petitioner herein has approached the Court with misconceived facts, concealing material facts and with ulterior motive; and the fact that only after issuance of notices on 01.04.2026 along with directions to respondent no. 4 and 5 to remain present via V.C, on 02.04.2026 the instant application is moved. Thence, keeping in view the ratio encapsulated in **K.S. Bhoopathy v. Kokila: 2000 (5) SCC 458** (making it unambiguous that withdrawal of petition can be refused if it would defeat justice and prejudice public interest or statutory mandate), **Madhu Jajoo v. State of Rajasthan and Ors.: AIR 1999 Raj 1, Usha Nanthini v. Regional Transport Authority cum Regional Transport Officer: AIR 2018 Ker 172** and the fact that the present petition *prima facie* raises issues of grave public importance concerning illegal construction within a prohibited area of a notified wildlife sanctuary (*mutatis mutandis*), thereby directly impinging upon environmental protection and statutory mandates under the Wildlife (Protection) Act, 1972; that the judicial proceedings are sacrosanct, and no person/entity would be allowed to abuse the judicial process, particularly, in public law remedy, the petitioner does not possess an absolute right to withdraw the petition.

19. In view of the foregoing facts and circumstances, the present application seeking withdrawal of petition is dismissed.

(SAMEER JAIN),J