

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Contempt Petition No. 378/2025
in
D.B. Civil Writ Petition (P.I.L.) No.17971/2022
Vijay Kumar Boyat S/o Shri Raju Boyat & Ors.
-----Petitioners
Versus
Vaibhav Galriya, Principal Secretary & Ors.
-----Respondents

For Petitioner(s)	:	Mr. V.P. Mathur for Mr. Shiv Narain Bohra
For Respondent(s)	:	Mr. Manoj Sharma, AAG assisted by Mr. S.M. Sharma Mr. Amit Kuri Mr. Harshvardhan Singh Shekhawat

HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJEET PUROHIT

Order

19/08/2025

An application (01/2025) has been filed by the applicant for impleadment in the contempt proceedings.

There is no rule of impleadment of any person as a contemnor in the contempt proceedings. The contempt petition is always between the Court and the persons to whom the directions have been issued.

In view thereto, the aforesaid application is misconceived in nature and the same is hereby dismissed.

Heard.

Considering the contempt petition and non-compliance, we deem it appropriate to revive D.B. Civil Writ Petition (P.I.L.) No.17971/2022.

List on 07.10.2025 along With D.B. Civil Writ Petition (P.I.L.) No.17971/2022.

In the meanwhile, the Jaipur Development Authority (for short 'J.D.A.') and Additional Chief Secretary, Urban Development & Housing Department, shall take steps to earmark the encroachments made on the roads which are connected to the Jaipur city by the State Highways/National Highways.

For the aforesaid purpose, the benchmark is laid down in the Master-plan/Zonal Development Plan and the same shall be taken into consideration. As per the measurements of the roads laid down in the plan, if any encroachment is found on the roads or on the pathways meant for the pedestrians, the same shall be removed. It is made clear that apart from the roads, even on the side walk-ways, there should be no encroachment left.

The aforesaid exercise shall be done and if there is any objection raised, placing reliance on any *Pattas* issued by any village authorities or orders of any other Court(s), as no Court is authorized to encourage encroachments, the same would not come in the way for removing the encroachments.

Keeping in view the observations made by the Hon'ble Supreme Court in the case of **In Re: Manoj Tibrewal Akash [Writ Petition (Civil) No.1294/2020]** decided on 06.11.2024, the Additional Chief Secretary of the Urban Development and Housing Department shall also issue appropriate directions to the Municipal Corporation and Municipal Councils of various cities & towns to take appropriate steps for removing illegal encroachments made on the roads in the city/town-ship as well as on the footpaths. Such drive for removing the encroachments

should be undertaken at the State level and the encroachments should be dealt with in accordance with law. No sympathy can be extended to such encroachers and if it is found that any legal authority or police officials had allowed the encroachments, appropriate action against them may also be taken.

It is made clear that before ensuing demolition of the encroachments, 7-8 days time should be given to the concerned encroachers to remove the encroachment at their own level, whereafter the cost of removing the encroachment should be recovered from the encroachers.

A report in this regard shall be submitted before this Court on the next date of hearing i.e. 07.10.2025.

A responsible Officer of the Department would remain present on that day and the Head of the Enforcement Wing in the J.D.A. as well as Head(s) of the Enforcement Wings of the other development authorities, shall also remain present in the Court.

(SANJEET PUROHIT),J

(SANJEEV PRAKASH SHARMA),J