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In The High Court of Judicature for Rajasthan
Jaipur Bench, Jaipur

ORDER

D.B. Civil Writ Petition No.6205/2011

Date : 16-11-2015

Hon'ble Mr. Justice Ajay Rastogi**Hon'ble Mr. Justice J.K. Ranka**

Mr. G.P. Sharma Adv., for petitioner.

Mr. S.K. Gupta Additional Advocate General for State.

Mr. Nikhil Simlote Adv. with]

Ms. Meenal Ghiya Adv.]

Ms. Naina Saraf Adv.]

Mr. Deepak Sharma Adv. on behalf of]

Mr. Rajendra Prasad Adv.] for respondents.

The basic contention advanced by the counsel for petitioner is that after the plan was approved by the Jaipur Development Authority (JDA) the subject piece of land was earmarked for facility area but thereafter by adopting indirect method the plot earmarked as no.97 of 202.50 sq. yds was carved out as residential plot and allotted to respondent-4 which is completely in violation of JDA Bye-laws.

Counsel appearing for JDA submits that since the Urban Development & Housing (UDH) department sent a letter to the JDA in releasing residential plot out of the facility area in approved plan marking it out as plot no.97 vide letter no.3-9-2008 it was placed by the JDA in the BFC meeting and patta for residential plot was allotted to respondent-4 in the light of the direction from the UDH vide allotment letter dt.7-10-2009.

Either of the respondent is unable to satisfy this Court as to what was the provision and relevant Bye-laws under which after the subject land was earmarked as a facility area still UDH or the JDA as the case may be holds authority in carving out the residential plot within the facility area and can be allotted to an individual, however, to the contrary no such allotment could be made within the facility area for any other purpose and it should be used only as

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facility area by the local residents.

Sh. S.K. Gupta Additional Advocate General appearing for the State submits that he has sent a letter way back in May,2015 and thereafter reminder was also sent in August,2015 to the office of Additional Chief Secretary, UDH but no-one responded to apprise about the decision being taken in regard to the land which is the subject matter in the instant proceedings, at the same time, counsel appearing for UDH has shown his inability to assist the Court in the matter in absence of any instructions being extended to him by the department.

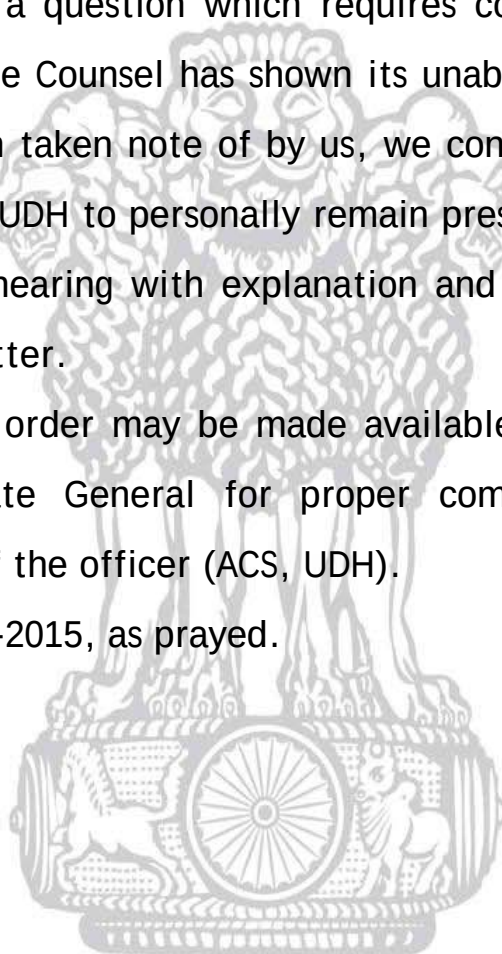
Since this is a question which requires consideration by this Court and the State Counsel has shown its inability to assist in the matter & has been taken note of by us, we consider it appropriate to direct the ACS, UDH to personally remain present in the Court on the next date of hearing with explanation and the basis of taking decision in the matter.

Copy of this order may be made available to Sh. S.K. Gupta Additional Advocate General for proper compliance, who may ensure presence of the officer (ACS, UDH).

List on 30-11-2015, as prayed.

(J.K. Ranka), J.

(Ajay Rastogi),J.



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VS/

Certificate - All corrections have been incorporated in the judgment/order being emailed/Vijay Singh Shekhawat/PA