

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 11153/2011

Suo Motu
-----Petitioner

Versus

State Of Raj
-----Respondent

Connected With

D.B. Civil Writ Petition No. 5102/2019

Pyar Singh Meena S/o Ramesh Chand Meena
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

D.B. Civil Writ Petition No. 8224/2019

Raj Kumar Meena S/o Girraj Prasad Meena
-----Petitioner

Versus

State Of Rajasthan
-----Respondent

D.B. Civil Contempt Petition No. 331/2020

Banshi Lal Jat Son Of Late Shri Gyarsi Lal
-----Petitioner

Versus

Shri D.b. Gupta, Chief Secretary
-----Respondent

For Petitioner(s)	:	Suo Motu
For Respondent(s)	:	Major RP Singh, AAG with Mr.Chandra Vikram Singh Mr.AK Bhandari, Sr.Adv. with Mr.Siddarth Bapna – for applicants Mr.Siddarth Bapna – for applicants Mr.Amit Kuri Mr.Pradeep Kumar Mr.Dilip Sharma Mr.Vaibhav Jeswani for Mr.RD Rastogi, ASG Mr.Pradeep Kumar Choudhary Mr.Akhil Simlote – for Rajasthan State Pollution Control Board

HON'BLE MR. JUSTICE ASHOK KUMAR GAUR
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

01/05/2023

D.B. Civil Writ Petition No. 11153/2011 :

Application No.19291/2019 :

The application No.19291/2019 has been filed by three applicants, who are residents of the Village Nevta, praying for allowing them to intervene in the present suo motu petition.

Learned counsel – Mr.Siddarth Bapna, appearing for the applicants, submitted that the applicants, while moving such application, have highlighted the illegality done by the different authorities, which have affected submergence area of Nevta Dam.

Learned Additional Advocate General – Major RP Singh, appearing for the State, submitted that this Court had already issued several directions and the prayer, sought by the applicants to intervene in the matter, in fact, does not require any intervention at the behest of the applicants.

We have heard learned counsel for the parties and find that the applications have only prayed to intervene in the present matter and as such, the issue is sub-judice before this Court, including, the issue of area of Nevta Dam.

Accordingly, this Court allows the application No.19291/2019, filed by the applicants and they are allowed to intervene in the matter as intervenor.

Learned counsel for the applicants would be free to make submissions in the present petition accordingly.

Application No.5/2019 :

The matter comes up on an application No.5/2019, filed on behalf of the applicants, namely, Navratan Lal Agarwal and Kishan Lal Agarwal to implead them as a party respondents in the present petition.

Learned Senior Counsel – Mr.AK Bhandari, assisted by learned counsel – Mr.Siddarth Bapna, submitted that the applicants have purchased the agriculture land from erstwhile Khatedars and they are duly recorded Khatedars of different piece of land.

Learned counsel for the applicants submitted that total land of 10 hectares of the land, purchased by the applicants, have also been converted for residential purposes by Jaipur Development Authority.

Learned counsel submitted that after sale deed dated 20th September, 2018, the converted land of 10 hectares has been sold to one M/s. Gokul Kripa Colonizers and Developers Pvt. Limited and thereafter, the purchaser constructed a boundary wall on the said land.

Learned counsel submitted that in the remaining land owned by the applicants, a resident house, well, farm house, staff quarters, swimming pool, garden etc. exist and are peacefully enjoyed by them.

Learned counsel submitted that the respondents, in most arbitrary manner, did not decide the application, filed by the applicants for conversion of their land and as such, reference has been made that the order, passed by this Court in suo motu petition, did not permit the applicants to make use of their land in peaceful manner.

Learned counsel submitted that the respondents have also falsely pleaded that the land, belonging to the applicants, is of the catchment area of Nevta Dam.

Learned counsel submitted that the applicants are necessary party in the present case, as their rights over the land has been seriously affected and as such, they may be arrayed as necessary parties.

Learned counsel – Mr.Amit Kuri, appearing for the Jaipur Development Authority, submitted that if the applicants are allowed to intervene in the matter then such application may be disposed of, however, the applicants are not necessary parties, as general directions, given by this Court, are being implemented and the applicants do not have any right in the catchment area of Nevta Dam and Ramgarh Dam.

We have heard learned counsel for the parties and find that the applicants may be permitted to intervene in the matter as intervenor.

Accordingly, the application stands disposed of by permitting the applicants to become intervenor in the matter.

Learned counsel for the applicants is free to make submissions before this Court as and when the case is taken up for hearing.

Application No.2/2020 :

Application No.4/2020 :

Application No.43977/2016 :

Learned counsel for the applicants – Mr.Madho Pratap Singh submitted that the application Nos.2/2020, 4/2020 and 43977/2016 have become infructuous by efflux of time and he does not want to press the said applications.

In view of the above, the aforesaid applications are dismissed as not pressed.

Application No.1/2020 :

The application No.1/2020 has been filed under Order 1 Rule 10 CPC for impleadment of 12 applicants, namely, Hitesh Patel & Ors. as party respondents in the present suo motu petition.

We have gone through the contents of the application and find that the applicants are claiming themselves to be land holders, falling under the Village Panchayat Nevta.

It is further pleaded in the application that the alleged Nevta catchment area is not being violated by them and they are legally entitled for their respective plots/lands.

Learned Additional Advocate General – Major RP Singh, appearing for the State and learned counsel – Mr.Amit Kuri, appearing for the Jaipur Development Authority, submitted that similar applications, filed by the different applicants, have been

allowed by this Court and such persons have only been impleaded as intervenor.

Accordingly, this Court disposes of the present application and permits the applicants to intervene in the present matter.

Learned counsel for the applicants is free to make submissions before this Court as and when the case is taken up for hearing.

Application No.22443/2018 :

The misc. application No.22443/2018 has been filed on behalf of the Jaipur Development Authority for taking status report on record in compliance of the orders dated 22nd July, 2016 and 09th April, 2018.

For the reasons assigned in the application, the same is allowed. The status report is ordered to be taken on record.

Application No.28591/2018 :

Another misc. application No.28591/2018 dated 03rd May, 2018 has been filed on behalf of the Jaipur Development Authority for taking on record the status report in compliance of the orders passed by this Court on 22nd July, 2016, 09th April, 2018 and 10th April, 2018. The status report is taken on record.

For the reasons assigned in the application, the same is allowed. The status report is ordered to be taken on record.

Application No.94743/2018 :

Another misc. Application No.94743/2018 dated 13th December, 2018 has been filed on behalf of the Principal Secretary for seeking exemption of his personal presence and further time is

sought for placing on record the report, as asked by this Court on 04th December, 2018.

The misc. application stands disposed of, as the same has become infructuous and now there is no requirement of presence of Principal Secretary and further report has already been filed by the State.

Application No.30386/2016:-

The application No.30386/2016 dated 11.07.2016 has been filed by the applicant-Bhanwar Singh Choudhary. The applicant prays that the Ajmer Development Authority and Municipal Corporation, Ajmer may be directed to take appropriate step against the allotment and regularization proceedings for the part of land, bearing Khasra No.2062, Thok Teliyan, Ajmer in pursuance of the order dated 29th May, 2012, passed by this Court.

This Court finds that subsequently the applicant has also filed Application No.5/2022, whereby different orders, passed in respect of Ana Sagar Lake, Ajmer, have been placed on record.

This Court finds that the application, filed by the applicant, need not any adjudication on merits, as the issue, raised in the application, is also *sub-judice* before this Court and furthermore, one Application No.5/2022 has already been filed accordingly.

Accordingly, application No.30386/2016 stands disposed of.

Heard learned counsel for the parties on the main case.

This Court finds that on 04th July, 2022, in the present matter, a Committee of five Members was constituted for effective implementation of the various directions, given by this Court from

time to time and the earlier committee, constituted by the Court on 05.11.2019, was superseded.

Learned Additional Advocate General – Major R.P. Singh submitted that though newly constituted Committee has held its meeting as directed by this Court, however, on account of certain informations, not being supplied and cooperation not being extended by some of the Officers of the State Government, effective steps so far have not been carried out, as desired by this Court.

Learned Additional Advocate General – Major R.P. Singh is in possession of some factual report, as sent by Dr.Samit Sharma, IAS, Secretary to the Government, however, he needs some time to place on record compliance report in respect of implementation of the various directions, issued by this Court from time to time.

Learned Additional Advocate General – Major R.P. Singh also submitted that Members of the Committee have sought information from the District Collector, Ajmer, District Collector, Nagaur, the Municipal Authorities as well as Ajmer Development Authority and on account of not getting sufficient steps and information by these Officers, the Committee is not able to function in a proper manner, as desired by this Court.

We find that once the Committee has been constituted by this Court by passing an order dated 04.07.2022, Members of the Committee need to work and they have to see that directions, issued by this Court from time to time, are complied with or not.

This Court makes it clear that, in case, there is non-cooperation or non-supplying of requisite information by the

Officers concerned to the committee, being Members of the Committee are required to take action against such officers.

This Court, considering the situation explained by learned Additional Advocate General – Major R.P. Singh, finds that if no heed has been paid to the request and orders made by the Members of the Committee, the Chief Secretary of the State of Rajasthan is directed to look into this aspect and if need be, she has to ask explanation of the Officers, who are not cooperating in providing information to the Members of the Committee, so constituted by this Court.

Learned Additional Advocate General – Major R.P. Singh on the next date of hearing will inform this Court as what has transpired in the Committee so constituted by this Court and whether the information sought from the Officers of the different Districts, as desired by the Committee, has been supplied or not.

This Court, is restraining itself today from passing any order against the erring Officers, however, compliance of directions issued by this Court are required to be made by all the Officers of the State Government.

This Court, accordingly, grants three weeks' time to learned Additional Advocate General – Major R.P. Singh to file compliance report and the Court be also apprised about the action taken against the erring Officers, if any.

Learned counsel Mr.Pradeep Choudhary, appearing on behalf of the impleaded applicant-respondent—Mr.Yogendra Singh Kalvi, submitted that on 05th November, 2019 directions were given by this Court, whereby two villages, i.e., Village Arvar, District Ajmer

and Village Panchwa, District Nagaur were selected as model villages for revival of water bodies.

Learned counsel Mr.Pradeep Choudhary submitted that the direction may be given to learned Additional Advocate General to apprise this Court about significant process to be undertaken for revival of the water bodies.

Learned counsel submitted that apart from these two Villages as a Pilot Project, the District Collectors of all 33 Districts in the State of Rajasthan, at that point of time, were also required to select minimum two villages, not necessarily closer to the District Headquarters, in their respective Districts Headquarters for revival of the water bodies.

Learned counsel submitted that even compliance of the Court's order has not been made and no affidavit of the District Collectors, Ajmer and Nagaur and report has been filed before this Court.

Learned Additional Advocate General – Major R.P. Singh submitted that some more time may be granted to file compliance report and he also undertakes that affidavit of the District Collectors concerned, i.e., Ajmer and Nagaur will also be filed explaining the steps taken by the present incumbents and the District Collector or their predecessor, as direction was issued by this Court on 05.11.2019.

Learned AAG may do the needful.

Learned counsel Mr.Siddharth Bapna, at this juncture, also refers to a direction issued by this Court on 05th November, 2019, whereby the Secretary, Pollution Control Board was to constitute a team of the concerned Engineers to inspect the STPs and submit

its report whether the same were functioning properly or not. The said team was also directed to inspect the concerned area in Sanganer to find out as how many factories are releasing untreated water into the 'Nala'.

Learned counsel Mr.Siddharth Bapna submits that the directions, which have been issued by this Court, have not been complied with in letter and spirit and still the polluted water is flowing in the 'Nala' and further on account of contaminated water, the residents/the entire people of Sanganer are suffering immensely and their health issues need to be taken care by this Court.

We find that the directions, which have been given by this Court on 05th November, 2019, are required to be complied with and as such, this Court needs to have an affidavit from the Secretary, Pollution Control Board to update this Court about the action being taken by him in respect of directions given on 05th November, 2019.

Let the requisite affidavit be filed by the counsel appearing for the Pollution Control Board.

List these matters on 30th May, 2023.

(SHUBHA MEHTA),J

(ASHOK KUMAR GAUR),J