

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 6198/2025

Public Against Corruption, Bearing Registration Certificate No. Coop/2019/jaipur/105198, Through Its Secretary Vinod Kumar Modi Son Of Shri Madan Lal Modi, Aged About 59 Years, Resident Of G-2, Vishwa Enclave, 1265-66, Rani Sati Nagar, Nirman Nagar Jaipur

-----Petitioner

Versus

1. State Of Rajasthan, Through Chief Secretary, Government Of Rajasthan Secretariat, Jaipur
2. Urban Development And Housing Department, Government Of Rajasthan, Secretariat, Jaipur Through Its Principal Secretary
3. Jaipur Development Authority, Through Its Secretary, Jln Marg, Jaipur
4. Rajasthan Housing Board, Jyoti Nagar Jaipur Through Its Housing Commissioner

-----Respondents

For Petitioner(s)	:	Mr. P.C. Bhandari with Mr. T.N. Sharma, Mr. Rakesh Chandel Mr. Rakesh Chandel
For Respondent(s)	:	Mr. Bharat Vyas, Sr. Adv. & ASG assisted by Mr. Vibhuti Bhushan Sharma Mr. A.K. Sharma, Sr. Adv. assisted by Mr. Rachit Sharma Mr. R.K. Mathur, Sr. Adv. assisted by Mr. Aditya Kiran Mathur & Mr. Lucky Sharma, Mr. Ayush Goyal Mr. Manoj Sharma, AAG Mer. Ajay Shukla with Mr. Shivam Sharma, Ms. Jyoti Sharma Mr. Rameshwar Prasad with Mr. Bhisma Kumar Singh Mr. Vishal Choudhary for Mr. Abhinav Sharma Mr. Manak Chand Jain Mr. Prahlad Sharma Mr. Nitin Jain Bhandari

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

01/04/2026

1. At the threshold, the writ petition (PIL) has been filed by the petitioner seeking the following relief:

"To direct the respondents to take necessary and immediate action to quash and set aside the order dated 12.03.2025 and to issue directions for taking immediate action against the illegal occupants and encroachers on the land acquired by the Rajasthan Government agencies."

2. After making submissions at length, Mr. Bharat Vyas, learned Senior Advocate & Additional Solicitor General assisted by Mr. Vibhuti Bhushan Sharma appearing for the respondents explained in detail the chronology of events that led to the derailment of the Housing Board acquisition process at a certain juncture. He submitted that out of the total 5,037 bighas of land under acquisition, about 4,000 bighas have been properly utilized by the Housing Board in accordance with law, by developing proper amenities and facilities for the citizens, in line with the objectives for which the Housing Board was established.

3. Mr. Vyas further explained that due to unauthorized persons misusing notification issued under Section 4 of the Land Acquisition Act, 1894, the remaining land was fragmented and converted into colonies by unauthorized persons. This resulted in large-scale occupation by urban dwellers amid the ever-increasing urban explosion in the capital city of Rajasthan.

4. Mr. Vyas submitted that urban expansion, once it occurs, is a phenomenon that is extremely difficult to curtail; while it erodes the very basis of planned urban development and civilized planning, the State and its Instrumentalities must remain conscious of the fact that a large number of poor and needy citizens get involved in the race for securing an urban foothold in Jaipur, often investing their lifetime savings and energy into such plots/pieces of land.

5. Mr. Vyas further submitted that the Circular under challenge was a *modus operandi* adopted by the respondents to ensure that the land in question is returned to the State at an appropriate cost, with a view to regularize the possession of those masses who have utilized such land for their urban dwelling.

6. At this stage, Mr. P.C. Bhandari, learned counsel for the petitioner intervened and submitted that showing any mercy or sympathy towards the encroachers would not be appropriate, as the land in question belongs to the organ of State that is Housing Board. He emphasized that unless public land is protected, the interest of the end users i.e. the citizens for whom the Housing Board has been constituted, is likely to be jeopardized. He further submitted that public land is an asset of the common citizen and any distribution or regularization of such assets must be fully transparent and strictly in accordance with law. He also submitted that any illegal transfer of such public assets by remaining silent would amount to connivance with persons who are not on the right side of the law.

7. At this juncture, Mr. Bharat Vyas, learned Senior Counsel & Additional Solicitor General and Mr. A.K. Sharma, learned Senior Counsel assisted by Mr. Rachit Sharma submitted that any land which is still open and available to the Housing Board shall be strictly protected by the Housing Board. It shall not be allowed to be utilized for any illegal purposes and all endeavours shall be made to prevent any further encroachment or illegal utilization.

8. Upon this, Mr. Bhandari, learned counsel for the petitioner submitted that such open land which is still available for development by the Housing Board ought to be protected strictly, as it would help in restoring the position of the public asset to a significant extent.

9. After hearing the submissions of learned counsel for the parties and perusing the record of the case as well as the detailed order-sheets passed by the Coordinate Bench of this Hon'ble Court, this Court is of the opinion that at this stage, an interim order is required only to the extent that:

9.1. Mr. Bhandari, learned counsel for the petitioner shall provide scientific/Google map of the area in question. Mr. Vyas, learned Senior Counsel & ASG shall also prepare and submit Google map, clearly demarcating the areas under dispute, the open areas *vis-à-vis* the areas which have been occupied/dwelled upon and also demarcating the larger dwelling clusters.

9.2. The assurance given by Mr. Vyas that the status of the open land shall remain frozen and that no further encroachment shall take place shall be abided by all the parties concerned and shall

be strictly ensured by the State respondents and the respondent-Housing Board.

10. This Court is of the opinion that a detailed mapping of the area, along with Google/Scientific maps, will assist in the final and effective adjudication of the dispute, particularly if any classification or regularization is to be considered, as submitted by learned counsel for the respondents.

11. Learned counsel for the parties seek a short time to produce the aforementioned Google/Scientific maps on record.

12. List the matter on 01.05.2026.

(VINIT KUMAR MATHUR),J

(DR.PUSHPENDRA SINGH BHATI),J