

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 8731/2019

Dr Pramila Jain Wife Of Dr. Pradeep Jain

-----Petitioner

Versus

Jaipur Development Authority

-----Respondent

For Petitioner(s) : Mr. Nitin Jain

For Respondent(s) : Mr. Amit Kuri (through VC)

HON'BLE MR. JUSTICE SAMEER JAIN

Order

10/02/2022

1. Learned counsel for the petitioner submits that this is second round of litigation. He had filed one SBCWP No.5522/2008 with a prayer for alternate allotment of land or due consideration of compensation on account of illegal snatching of land by JDA. After considering the submissions of the petitioner as well as the learned counsel for the JDA a consent order was passed which reads as under:-

"In view of the admission made by JDA that road has been constructed without acquisition of the land and they are in principle agreeable to allot the alternate land as per the decision of JDA taken in meeting dt.21.07.2003, it is deemed appropriate and hence ordered that the petitioners Nos.2 to 5 shall surrender their land to the JDA within a period of one month from today and JDA in turn will allot alternate land i.e. 25% of the surrendered land to the petitioners, in terms of their decision dated 21.07.2003, (communicated by office order dt. 25.11.2006).

JDA shall do the needful within a period of three months of receiving the letter/offer of surrender.

With these observations and directions, the writ petition are disposed of."

2. In the light of the said judgment, the petitioner was allotted a land on 10.08.2018 but to his shock and surprise, the land in question was not free from encroachment and encumbrances. Thereafter, the petitioner filed an application before the respective authorities of JDA for allotting the land free from encroachment and encumbrances in terms of the order of the High Court dated 06.02.2017.

3. Being aggrieved from non compliance of the order dated 06.02.2017 passed by this Court a contempt petition was also filed. Similarly, the present writ petition was also filed on account of the fact that the petitioner is an old lady and inspite of consent order she is suffering undue hardship and illegality is committed by the respondent JDA.

4. In response to the said writ petition notices were issued on 16.05.2019 but after lapse of two years no response to the said writ petition was submitted and therefore vide order dated 09.11.2021. In the interest of justice and looking to COVID-19 situation last opportunity to file reply was granted to counsel for the JDA. Being persuaded by the order of the Court, reply was submitted wherein the respondents have submitted as under:-

"(10) That the petitioner, in regard to the allotment of different Plots to her has made an application before the Jaipur Development Authority. The said application of the petitioner was processed by the JDA and a proposal in regard to allotment of a Commercial Plot located on 200 Ft. Road, in the Niji Khatedari Scheme named as Moji Vihar (Kalyanpura) has been made.

(11) That the said commercial Plot is Plot No.SC-6 and is admeasuring 367.06 Sq. Meter and thus is having an excess area of 29.56 Sq. Meters to

the area of previously allotted Plots to petitioner which were having an area of 337.50 Sq. Meters. The said land has been proposed by the Zone with a proposal that the prevalent reserve price of the excess area be calculated and charged from the petitioner. The aforesaid proposal has been forward to the LPC for consideration and decision, which is pending.”

5. On perusal of the said reply and on hearing the submissions of counsel for the JDA Mr. Amit Kuri, it is reflected that the JDA is willing to allot commercial plot No.SC-6 admeasuring 367.06 Sq. Meters which is having an excess area of 29.56 Sq. Meters qua which, reserved price will be charged. The said proposal has been forwarded to the LPC for consideration and decision, which is pending.

6. In these facts and circumstances and looking to the fact that the lis in question is pertaining to the year 2003 and almost 19 years have passed and inspite of consent order dated 06.02.2017 till date no free land has been allotted to the petitioner, this Court is of the view that, if appropriate land in question is not allotted to the petitioner within a period of 30 days from today i.e. 10.02.2022, the Jaipur Development Commissioner will mark his presence along with appropriate explanation on 21.03.2022.

सत्यमेव जयते

(SAMEER JAIN),J