

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 8803/2023

Preeti Asawa W/o Amit Asawa

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. S.S. Hora.
For Respondent(s)	:	Mr. Rajendra Prasad, Senior Counsel assisted by Mr. Sarthak Rastogi. Mr. Anil Mehta, AAG assisted by Mr. Yashodhar Pandey.

HON'BLE MR. JUSTICE INDERJEET SINGH

Order

02/09/2023

Heard on the application for vacation of the interim order dated 02.06.2023 passed by this court.

Counsel for the petitioner submits that the respondents are constructing the buildings in question without sanctioning the map by the Nagar Nigam and not maintaining the width of the road in front of the buildings as prescribed by the Nagar Nigam. Counsel further submits that the construction of the multistory buildings are not permissible on the existing road.

In support of the contention counsel relied upon the judgment passed by the Hon'ble Supreme Court in the matter of **Gulab Kothari, Editor, Rajasthan Patrika, Jaipur Vs. State of Rajasthan & Ors.** reported in **2017 (1) WLC 562**.

Learned Senior Counsel appearing on behalf of the private respondents has opposed the submission made by the counsel for the petitioner and submitted that the respondents are constructing

the buildings as per site plan approved by the Nagar Nigam and they will give undertaking to maintain the width of the road as 60 feet wide in front of their buildings.

Counsel appearing on behalf of the Nagar Nigam has also opposed the submission made by the counsel for the petitioner and submitted that the Nagar Nigam has sanctioned the site plan according to which the respondents are constructing the buildings as per approved site plan issued by them wherein the 60 feet wide road has been shown in front of their buildings.

Heard counsel for the petitioner as well as learned senior counsels for the respondents.

Considering the facts and circumstances of the present case and considering the fact that the respondents are constructing the buildings as per site plan and also considering the undertaking given by the private respondents to maintain the width of the road as 60 feet wide in front of their buildings, therefore, the application for vacation of the interim order is allowed and the interim order passed by this court on dated 02.06.2023 is hereby vacated and the private respondents are directed to remove encroachment/structure which is lying on the 60 feet wide road in front of their buildings within ten days.

Since, the matter relates to public road the Nagar Nigam is at liberty to remove the encroachment from the public road after providing the opportunity of hearing to the affected parties.

List on 03.10.2023.

(INDERJEET SINGH),J