

S.B. Civil Writ Petition No. 9271/2021

-----Petitioner

Versus

1. State of Rajasthan through the Principal Secretary, Department of Urban Development And Housing, Government of Rajasthan, Situated At Food Building, Secretariat Jaipur 302005 (Rajasthan)
2. Jaipur Development Authority, Through The Commissioner, Having Its Office At Ram Kishor Vyas Bhawan, Indra Circle, Jln Marg, Jaipur 302004 (Rajasthan)
3. The Secretary, Jaipur Development Authority Jaipur, Having Its Office At Ram Kishor Vyas Bhawan, Indra Circle, JLN Marg, Jaipur 302004 (Rajasthan)
4. The Deputy Commissioner (Zone-IV), Jaipur Development Authority, Jaipur.

----Respondents

For Petitioner(s) : Sandeep Singh Shekhawat, Adv. with
Mr. Anirudh, Advocate

For Respondent(s) : Ms. Abhilasha Sharma, Advocate with
Mr. Divyansh Jain, Advocate &
Mr. Ramesh Chand Sharma, Advocate
Ms. Pooja Sharma, Advocate &
Ms. Mukta Maan, Advocate for
Mr. Manoj Sharma, A.A.G. for
Respondent No.1.

HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

Reserved on ::: **22/05/2026**

Pronounced on 12/06/2026

The present writ petition has been filed on behalf of the petitioner-company with the following prayers :-

"i) By issuing an appropriate writ, order or direction Your Lordship may kindly be pleased to direct the respondent-JDA

to lay the Sector road proposed at western side of plot belong to the petitioner and JDA further be directed to remove all encroachments on 80 feet wide sector road or in alternate the lease deed for the entire area of land may be issued in favour of the petitioner.

ii) Further direct the respondents to make compliance of the order dt.01.02.2017 passed by the JDA Appellate Tribunal in Reference No.526/2016.

iii) Any other appropriate writ, order or direction which this Hon'ble Court may deem think fit and proper may kindly be passed in favour of the petitioner."

Facts, in brief, upon which consideration is required for adjudication of the present case are that the petitioner-company holds the agriculture land bearing *khasra* Nos.174, 175, 176, 177 & 178 of Village Surajpura Ghati, Tehsil Sanganer District Jaipur. An application under Section 90-A of the Rajasthan Land Revenue Act, 1956 was moved for conversion of the plot for installation of Tourism Unit before the JDA and the same was converted vide order dated 31.01.2013 and the lease- deed was issued in favour of the petitioner-company; a sum of Rs. 3,26,626/- thereto was also deposited as conversion charges. The JDA had proposed an 80 feet sector road on the western side of the plot. Although, the size of the plot was 2600 sq. mtrs., the JDA had issued lease-deed to the petitioner-company for 1895 sq. meters only, and 705 sq.mtrs was demarcated for the purpose of sector road. The other plots No.22 and part of 23 had also been taken for construction of the sector road. As per the JDA, an area of 705 sq. mtrs was surrendered voluntarily and willingly for construction of the road by the petitioner-company. The Director of the petitioner-company also possessed plot Nos.1, 2, 3, 4, 22 & 23 of the adjoining Ashok Vatika Scheme admeasuring 1998.76 sq. yds. From the said area, since part of the plot No.23 was required for the 80 feet Sector road, therefore, the JDA regularized the lease for the area admeasuring 1107.51 sq. yds. relating to plot Nos.2, 3, 4, and part of 23 and the lease-deed was issued on 03.12.2012. The same were later-on transferred in the name

of the petitioner-company by registered sale-deed. Ten-feet wide road was granted to give access to plot No.1 also by the petitioner-company and, therefore, the site-plan of 1056.40 sq. yds was issued for the aforesaid plots and the lease-deed of 81.61 sq.yds was issued for plot No.1.

As against the surrendered land of 304.63 sq.yds. earmarked for 80 feet road from *khasra* Nos.174, 175, 176, 177 & 178, land portion between 80 feet road and plot Nos.2, 3, 4 & 23 admeasuring 134.48 sq. yds was also allotted to the petitioner-company and a revised site-plan was thereafter, again issued vide letter dated 04.08.2015 for the plot admeasuring 1169.86 sq.yds., which was, subsequently, increased to 1251.47 sq.yds. by including plot No.1 and revised letter was issued on 18.01.2016 considering that the plot No.1 had also been reconstituted with plot Nos. 2, 3, 4 & 23. The JDA in its reply had stated that the Zonal Level Committee took decision on 11.07.2016 and revised plan was issued of area 1302.58 sq.yds. On request of the petitioner-company the plots No.1, 2, 3, 4 & 23 of Ashok Vatika Scheme and *Khatedari* land of *Khasra* Nos.174 to 178 were amalgamated and free-hold-*patta* was issued on 16.09.2023 of plot Nos.1, 2, 3, 4 & 23 of Ashok Vatika Scheme and *Khasra* Nos.174 to 178 admeasuring 2984.12 sq.mtrs. However, the petitioner-company has stated that the land, which has been stated to be surrendered for the construction of the 80 feet sector road was never constructed and the petitioner-company had prayed to delete the road from the map as it was leading nowhere and not being used for the purpose it was acquired for. It is submitted that the respondents acquired only portion of the land which was with the petitioner-company but did not acquire the further land which was required for construction of the road which led to the land acquired from the petitioner-company being rendered

useless. Apart from land belonging to the petitioner-company which was demanded to be surrendered for the purpose of sector road, no other land has been acquired resulting in making the area useless for the petitioner-company to develop the hotel for which the entire exercise was conducted by the petitioner-company.

The petitioner-company has submitted that so far as the lease-deed for plot Nos.2, 3, 4, 22 & 23 are concerned, part of the land falling in plot No.23 was also declared to be required for 80 feet sector road and two-storeyed house constructed by the petitioner- company was demolished by the JDA with the sole purpose to use the land for sector road but the sector road was neither constructed nor any compensation was paid for the said acquisition of 696.18 sq.yds. The lease-deed for plot No.22 was not issued and no compensation was paid to the petitioner-company resulting in a huge loss of property and finance to the petitioner-company. The petitioner-company has further submitted that the road has never been constructed and only a part of acquired land has been used on which Asphalt was spread and no further construction of road has taken place. A reference was, therefore, preferred by the petitioner-company before the JDA Tribunal praying for completion the construction of the road in time bound manner or upon its failure to construct, land may be returned to the petitioner-company and also to pay compensation for the demolished construction.

The Id. Appellate Authority passed an order dt. 01.02.2017 on the reference and directed that the 80 feet sector road be constructed within one month and if the construction is not made of the 80 feet sector road, the land be regularized in favour of the petitioner-company and a lease-deed may be issued in its favour. The contempt proceedings were also initiated for non-compliance of the order dated

01.02.2017. When the same was not disposed of, a writ petition was filed before this Court, wherein the order dt.05.02.2020 directing the JDA to decide the contempt petition within three months was passed. However, neither the contempt petition was decided nor the order passed by the Tribunal dated 01.02.2017 was complied with.

In reply, as noted above, the JDA had admitted of having not constructed the road but has stated that a road of 105 meters length making two lands of 7.5 meters has been constructed by demolishing the structures in the surrendered part of the petitioner-company while 80 feet sector road is already built on the site separately. It has been admitted that further 187 meters of the proposed sector road is in *khatedari* land in which tenants have their houses and 16 structures are situated. On the other side of the property, it has been stated in Para 10 of the affidavit by the JDA that the construction of road had been done adjoining the airport boundary wall and towards the road connecting Terminal 2 to State Hanger road and total length of the sector road is 526 meters, out of which 187 meters of road could not be constructed due to non-availability of the land. It is, therefore, apparent that the 80 feet surrendered parts of the petitioner-company land has not been constructed and only two lands have been prepared by further breaking the structures and already there is an existing 80 feet sector road. Thus, this Court is satisfied that there is no requirement of the land which was forcefully surrendered to the JDA by the petitioner-company with the purpose to get the remaining land regularized on the premise that the said 80 feet sector road is required to be constructed. This Court also noticed that the land of the petitioner-company was taken over of plot No.23 and the existing construction was also demolished without paying any compensation. Therefore, this Court is satisfied that the order passed by the JDA

Tribunal has also not been complied with and the land which is not being used for construction of 80 feet sector road deserves to be handed over back to the petitioner-company as per the directions issued by the JDA Tribunal. The order passed by the JDA Tribunal has not been challenged by the JDA.

From the meeting of the Committee dated 08.08.2024, it can be concluded that the road cannot be constructed unless the *khatedari* land is acquired which is in the ownership of other persons.

During the course of arguments, the note-sheets of the JDA have also been produced for the perusal, which reflect that the Director, Planning had proposed to handover the land of plot Nos.1, 2, 3, 4 & 23 of the *Shankar Bhawan Grah Nirman Sahkari Samiti "Ashok Vatika" Scheme* and to include the said land as the road cannot be constructed and the same was placed before the Minister, who has again left the same for fresh consideration and the issue continued to remain in a fluid state.

It is a case where the land belonging to the petitioner-company was surrendered for the purpose of construction of 80 feet sector road, however, there was already an existing 80 feet sector road. Thus, the purpose of surrendering the land has become non-existence and, therefore, the land was required to be given back to the petitioner-company. The JDA Tribunal has already given such finding in its order dated 01.02.2017 and, therefore, this Court did not delve on the said issue and direct the land to be handover back to the petitioner-company.

Accordingly, the present writ petition is disposed of with the direction to the respondents to release the land which was surrendered earlier for construction of 80 feet sector road to the petitioner-company. The demand for compensation of amount for demolition of two-storeyed

property in plot No.23 is, hereby, rejected considering the present value of the land being handed over back to the petitioner-company.

The compliance of the aforesaid directions be made within a period of one month from today. If the compliance is not made within the stipulated time, the petitioner-company is free to initiate the contempt proceedings against the Officers of the JDA without any notice.

Pending application, if any, also stands disposed of.

Cost may be made easy.

(VINOD KUMAR BHARWANI),J.

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