

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

S.B. Civil Writ Petition No. 11315/2019

Anil Kumar Jain S/o Chiranji Lal Jain, Aged About 57 Years, By
Caste Jain, R/o 193, Girnar Colony, Gandhi Path, Vaishali Nagar,
Jaipur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Urban Development And Housing Department, Govt. Of Rajasthan, Secretariat, Jaipur.
2. The Jaipur Development Authority, Through Secretary, Jawahar Lal Nehru Marg, Jaipur.

-----Respondents

For Petitioner(s)	:	Mr. R.K. Mathur, Senior Advocate, with Mr. Vijay Dutt Sharma
For Respondent(s)	:	Mr. R.P. Singh, AAG Mr. Amit Kuri

HON'BLE MR. JUSTICE VEERENDRA SINGH SIRADHANA

Order

08/07/2019

When the matter came up on 4th July, 2019, at motion stage; upon hearing the learned counsel for the petitioner, it surfaced that the writ application is in the nature of an execution application seeking compliance/execution of the lease deed (with all basic amenities), of the plot of land involved herein, that was purchased by the petitioner by way of a registered sale deed dated 13th August, 2018. Hence, the matter was posted for today i.e. 8th July, 2019; permitting the counsel for the petitioner to serve a copy of the writ application along with annexures thereto, in the office of the Additional Advocate General for the State-

respondents and concerned counsel representing the respondent - JDA.

Mr. R.K. Mathur, learned Senior Counsel, contends that the petitioner is aggrieved of inaction of the respondents for they having failed to take necessary steps in issue of lease deed of developed plot with all basic amenities with reference to the plot No.D-325, allotted to the petitioner in lieu of the land acquired by the State Government. It is pleaded case of the petitioner that consequent upon acquisition of land measuring 37 bighas and 2 biswas of Village Badarwaas, Tehsil Jaipur, in view of the notification dated 13th November, 1997, under the Land Acquisition Act, 1894; the erstwhile khatedar and/or his nominee was entitled to 15% of the developed land. Shri Mahesh Chand Jain was allotted Plot No. D-325, Sector-9, as would be evident from a conjoint reading of the reservation letter (Annexure-5), and the allotment letter dated 19th April, 2002 (Annexure-8). According to the learned counsel, the plot involved herein has been purchased by the petitioner through a registered sale deed dated 13th August, 2018, as would be evident from Annexure-13, reflecting the required details including site-plan of plot No. D-325. Further, there remains no dispute with reference to plot involved herein; yet, the respondents have not issued/executed the required lease deed with basic amenities in favour of the petitioner for reasons oblique.

Mr. R.P. Singh, learned Additional Advocate General, appearing on behalf of the State-respondent and Mr. Amit Kuri, learned counsel representing the respondent – JDA, undertook to do the needful as expeditiously as possible in the event the factual matrix as stated was not in dispute.

Off-late, this Court has come across several writ applications where the respondent – JDA has not taken the required action despite necessary due on the part of the applicant(s), was already performed and the matters were neither declined nor granted for reasons best known to the respondent – JDA.

In view of the above, Mr. R.P. Singh, Additional Advocate General, undertook to ensure that the needful would be done examining the claim of the petitioner. Further, he also ensured that the competent authority would take a decision and do the needful to issue lease deed in accordance with law keeping in view the factual matrix of the case at hand and the materials enclosed with the writ application.

In view of the above, instant writ proceedings stand closed with a direction to the respondents to determine the claim of the petitioner in the backdrop of order dated 30th April, 2013 (Annexure-12) and 29th May, 2019 (Annexure-14); and issue necessary lease deed with required amenities with reference to the plot of land D-325, involved herein. Reasons of denial of the claim of the petitioner shall be furnished with reasons recorded and communicated to the petitioner. The respondents would undertake the necessary exercise as aforesaid as expeditiously as possible; preferably, within a fortnight.

In the event the respondents failed to do so; the petitioner would be at liberty to have recourse of contempt proceedings without waiting any further.

With the observations and directions, as indicated above,
writ application stands disposed off.

(VEERENDRA SINGH SIRADHANA),J

SUNIL SOLANKI /19/151

RAJASTHAN HIGH COURT



सत्यमेव जयते