

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

D. B. Civil (PIL) Writ Petition No. 9921/2010

Yog Darshan Parmarthik Trust

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

For Petitioner(s) : Mr. Arvind Bhardwaj.

For Respondent(s) : Mr. Parag Rastogi and Mr. Rajesh Mootha.

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ
HON'BLE MR. JUSTICE GOVERDHAN BARDHAR**

Order

01/03/2019

Yog Darshan Parmarthik Trust, Kota has approach this Court with the prayer that the respondents be directed to remove illegal encroachments on the land of public park of Kota City. Learned counsel for the petitioner submitted that the petitioner has obtained information under Right to Information Act, which indicate admission of the respondents about large number of encroachments on the land of public park of Kota City. It is argued that this Court in Nizam & Others Vs. Jaipur Development Authority & Others, 1993 (2) WLC (Raj.) 169 and Modern Educational and Cultural Society Vs. Nizam & others, 2007 (4) RLW 3214 has held that once a public park is always a public park and it cannot be put to any other use.

Mr. Parag Rastogi, learned counsel appearing on behalf of Respondent No. 2-Rajasthan Housing Board submits that they have written several letters to Chief Executive Officer, Municipal

Corporation, Kota for removal of encroachments giving specific instances. Such letters dated 29.08.2014, 18.12.2015, 21.04.2015, 10.06.2015 and 05.09.2016 have been placed on record, but no heed has been paid to their repeated requests.

No one has appeared on behalf of Respondent No. 5, Municipal Corporation, Kota however, reply filed by it is on record.

Mr. Rajesh Mootha, learned counsel appearing on behalf of Respondent No. 3, Urban Improvement Trust, Kota submits that UIT, Kota is willing to help district administration for removal of the encroachments.

Present writ petition was filed in the year 2010 and despite passing of repeated orders by this Court, no steps have been taken by the respondents for removal of the encroachment. Therefore, we require the District Collector, Kota to file an affidavit as to what steps have been taken for removal of encroachments from land of public parks in Kota City and make a definite statement within what time encroachments shall be removed from the land of public park.

List this matter on 30.04.2019.

(GOVERDHAN BARDHAR),J

(MOHAMMAD RAFIQ),J