

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12071/2016

Smt Sushila Devi And ors

-----Petitioner

Versus

State Urban Development ors

-----Respondent

For Petitioner(s)	:	Mr. Mahendra Shandilya with Mr. Praveen Balwada
For Respondent(s)	:	Mr. Amit Kuri

HON'BLE MR. JUSTICE SAMEER JAIN

Order

20/10/2023

Learned counsel for the petitioners has relied upon the additional affidavit, in which it is argued that, based on Annexure-1, they were allotted 15% land qua the acquisition proceedings as compensation. Specific reliance is placed on para 1, and it is contended that only 15% of development land was awarded, which was accepted under protest, as reflected in Annexure-1, dated 01/08/2023.

It has been brought to the attention of this court that, to their surprise, through A/2 dated 05/01/2023, it was discovered that in a similar scheme, 25% developed land was awarded, with a breakdown of 20% for residential and 5% for commercial use. The respondents are accused of acting with malice and causing unjust discrimination by providing an enhanced compensation rate of 25% to similarly situated individuals.

Learned counsel has also relied upon the Apex Court judgment reported in **(2023) Live Law (SC) 123 titled as**

Ramesh Chand Sharma & Ors. vs. State of Uttar Pradesh & Ors. to argue that there is discrimination and no reasonable basis for providing larger compensation to some and lesser compensation to others.

Learned counsel for JDA, Mr. Amit Kuri, has submitted that the case is distinguishable as the land under A/2 was originally "sivayachak" land, and it was only after a significant legal battle that it fell in favour of the khatedar, as referred to in Annexure A/2.

Both Annexures A-1 and A-2 indicate that both cases are on similar footing. During the course of arguments, it was stated that 25% of the land is currently earmarked, which is evident from Annexure-31, where there is a reference to the same High Court order under the similar scheme.

Learned counsel for the respondents has refuted the said claim, arguing that no interim protection was granted in this matter, and relying on the judgment is illusory.

Heard and considered.

While placing reliance on Annexure-31, it is held that under the similar scheme many petitions on the similar issue are pending before this Court.

In the interest of justice and for better adjudication, this court directs the counsel for JDA to provide a list of connected cases by 31/10/2023.

List on 03/11/2023 at 02.00 PM.

(SAMEER JAIN),J