

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

D.B. Civil Writ Petition No. 12618/2020

Kapoor Chand Jain S/o Late Shri Deva Lal Jain

----Petitioner

Versus

Union Of India & Ors.

----Respondents

For Petitioner(s)	:	Mr. Kaleem Ahamed Khan
For Respondent(s)	:	Mr. Anil Mehta, AAG Mr. R.P. Singh, AAG assisted by Mr. Jaivardhan Singh Shekhawat Mr. Vimal Chand Chaudhary Mr. Yogesh Kumar Tailor Mr. C.S. Sinha for Mr. R.D. Rastogi, ASG

HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA

HON'BLE MR. JUSTICE FARJAND ALI

Order

22/10/2021

Heard learned counsel for the parties.

This Public Interest Litigation has been filed by the petitioner raising grievances which are as under:-

A. That the condition of shifting of peacocks and preservation of trees in a scientific manner has not been properly complied with, in so far as development of 53 acres of land out 181 acres of land allotted to UIT is concerned.

B. Out of 128 acres of land allotted to UIT for a particular stated purpose, 28 acres of land has been illegally diverted for purpose other than one for which it has been allotted.

We find that during the pendency of the petition, an order has been passed on 17.05.2021 annexed as Annexure R-13/14, by the respondent No.13 by which, the Collector has permitted diversion of 28 acres of land.

This order is not under challenge before us. The submission of learned counsel for the petitioner is that since the order was passed during the pendency of the matter, therefore, he need not challenge the order.

Unless this order is challenged, we are not inclined to examine legality of the action of diversion of the land under order dated 17.05.2021.

As far as fulfillment of condition of shifting of peacocks in a scientific manner is concerned, from the reply of the respondents we do not find as to how this particular condition was sought to be fulfilled.

There is neither any implementation plan prepared by the team of experts nor any detail with regard to its implementation.

Stand of respondent No.13 for that matter is not clear on this aspect.

Therefore, we direct the respondent-UIT to file specific affidavit along with the material to show how the condition of shifting of peacocks and preservation of trees was implemented. Since it also relates to preservation of trees, the Forest Department shall also file specific affidavit with regard to the manner in which it has implemented the condition, subject to which land was allotted. For this purpose, we grant four weeks' time to respective respondents to file specific affidavit.

Though, prayer has been made to pass an interim order, at this stage, we are not inclined to pass any order.

Let the matter be listed after four weeks.

(FARJAND ALI),J

(MANINDRA MOHAN SHRIVASTAVA),J