

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 12339/2025

Confederation Of Real Estate Developers Associations Of India (Credai) Rajasthan, Having Its Registered Address At 424, 4Th Floor, Laxmi Complex, M.i. Road, Jaipur- 302001, Through Its Authorised Signatory, Shri Narendra Singh Shekhawat.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Chief Secretary, Government Secretariat, Jaipur, Rajasthan.
2. Urban Development And Housing Department, Through Its Principal Secretary, Secretariat, Jaipur, Rajasthan.
3. Jaipur Municipal Corporation (Greater), Through Its Commissioner Pandit Dindayal Uppadhyay Bhawan, Lal Kothi Tonk Road, Jaipur
4. Jaipur Development Authority, Through Commissioner, Indira Circle, Jln Marg, Jaipur.
5. Rajasthan Housing Board, Through Its Director, Awas Bhawan, Jan Path, Jyoti Nagar, Jaipur.
6. Lalita Devi, W/o Lt. Shri Satyam, R/o Plot No. 54/214, Madhyam Marg, Mansarovar, Jaipur.
7. Neha Mosun, W/o Shri Sunil Mosun, R/o Plot No. 54/214, Madhyam Marg, Mansarovar, Jaipur.
8. Anil Mosun, S/o Shri Shyam Sunder, R/o Plot No. 54/214, Madhyam Marg, Mansarovar, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Sandeep Pathak with Ms. Jaya Pathak
For Respondent(s)	:	Mr. Ajeet Kumar Bhandari, Senior Advocate assisted by Mr. Namu Narayan Sharma Mr. Anil Mehta, Senior Advocate assisted by Mr. Yashodhar Pandey Ms. Khoosboo Rathore Mr. Abhishek Kaushik Mr. Ajay Shukla with Mr. Shivam Sharma, Raghav Sharma & Ms. Jyoti Sharma

HON'BLE MR. JUSTICE GANESH RAM MEENA**Order****10/02/2026**

1. This writ petition has been filed by the petitioner with the following prayers:-

"It is, therefore, most respectfully prayed that the Hon'ble Court may be pleased accept and allow the present writ petition and may further be pleased to-

(i) Issue appropriate writ, order or direction to declare the action of Respondents 1-5 in permitting commercial construction in violation of the prevailing rules and byelaws to be illegal;

(ii) Issue appropriate writ, order or direction to the Respondents No. 2 to 5 to take appropriate action in relation to unauthorized construction being carried out at Plot No.54/214, 54/197, Madhyam Marg, Mansarovar, Jaipur in violation of the provisions of the Jaipur Development Authority Act, 1982, the Rajasthan Municipalities Act, 2009 and the Rules, Regulations, Byelaws and Plans framed thereunder;

(iii) Issue appropriate writ, order or direction to the Respondents No.2 to 5 to remove any/all unauthorized construction being carried out at Plot No.54/214, 54/197, Madhyam Marg, Mansarovar, Jaipur in violation of the provisions of Jaipur Development Authority Act, 1982, the Rajasthan Municipalities Act, 2009 and the Rules, Regulations, Byelaws and Plans framed thereunder;

(iv) pass any other order or relief, which this Hon'ble Court deems proper under the facts and circumstances of the case in the interest of justice.

(v) cost of writ petition may be awarded in favour of the petitioner."

2. The instant writ petition has been filed by the petitioner in the form of writ of mandamus but there is nothing on record to show that the petitioner ever approached the respondents/Competent Authority alongwith complete details of the allegations against the private respondents except one legal

notice so as to invite the attention of the authorities for action to be taken by them.

3. Even on going through the legal notice also, this Court finds that whatever counsel for the petitioner is arguing and whatever material has been placed before the Court alongwith this writ petition, neither the petitioner alongwith the legal notice has submitted all those documents to the concerned authority nor has submitted any representation and therefore, in opinion of the Court, this legal notice cannot be said to be proper.

4. It is well settled principle of law that a writ of mandamus can only be issued only when the petitioner is able to show that he has approached the Competent Authority with all his credentials for necessary action to be taken by them and they have failed to take any lawful action.

5. In absence of proper representation by the petitioner to the Competent Authority with complete details and facts, this Court refrains from passing any order or issuing a writ of mandamus.

6. On perusal of the averments made in the memo of writ petition and so also the prayer clause, the Court is of the opinion that the present writ petition has been filed by the petitioner in the nature of a Public Interest Litigation and for such like prayer, the petitioner would have file the Public Interest Litigation after acknowledging the respondents-authorities as regards grievance supported by the material available with the petitioner.

7. Accordingly, this writ petition is dismissed.

8. However, looking to the issue raised in the writ petition, the petitioner is at liberty to make a detailed representation to the respondents/Competent Authority as regards its grievance.

9. It is also made clear that in case the petitioner submits a representation to the Competent Authority with all his credentials and supporting documents and the petitioner is aggrieved by any action/order on the representation or if no action is taken by the respondents on such representation, he may avail appropriate remedy available to him under the law after exhausting the remedy available in the local statutes.

10. In view of the order passed in the main petition, the stay application as well as pending application, if any, also stands disposed of.

(GANESH RAM MEENA),J