

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

D.B. Civil Writ Petition No. 13457/2019

Suo Motu, Rajasthan High Court, Jaipur.

----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Irrigation Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The District Collector, Bharatpur.
3. Urban Improvement Trust, Through Its Secretary, Bharatpur
4. Municipal Corporation, Through Its Chief Executive Officer, Bharatpur
5. Bankey Bihari S/o Late Sh. Netram, Aged About 64 Years, R/o New Adarsh Colony, Chandpole Gate, Bharatpur.
6. Mohan Singh S/o Sh. Rattan Singh, Aged About 64 Years, R/o New Adarsh Colony, Chandpole Gate, Bharatpur.
7. Akhilesh Sharma S/o Sh. Kameshwar Dayal Sharma, Aged About 48 Years, R/o New Adarsh Colony, Chandpole Gate, Bharatpur.
8. Lalit Mohan Sharma S/o Sh. Shyam Lal Sharma, Aged About 50 Years, R/o New Adarsh Colony, Chandpole Gate, Bharatpur.
9. Ghandhi Dev S/o Shri Prhabu Dayal, Aged About 64 Years, R/o Anah Gate, Bharatpur.
10. Mahesh Chandra Khandelwal Son Of Tara Chand, Aged About 60 Years, By Caste Vaishya, Resident Of Outside Kumher Gate, Bharatpur.
11. Sanjay Gera Son Of Lekhraj, Aged About 56 Years, By Caste Khatri, Resident Of Kumher Gate, Kasai Gali, Bharatpur.
12. Meena W/o Bacchu Singh, Aged About 47 Years, By Caste Baghel, Resident Of Anah Gate, Bharatpur.
13. Anil Kumar Son Of Tarachand, Aged About 50 Years, By Caste Vaishya, Resident Of Outside Kumher Gate, Bharatpur.
14. Ramesh Chand Khandelwal Son Of Late Santoshi Lal

Khandelwal, Aged About 51 Years, Resident Of Bjarang Nagar Colony Opposite Bhagwan Talkies Deeg Road, Bharatpur.

15. Laxmi Narain Son Of Late Shri Kesariya Ram, Aged About 60 Years, By Caste Koli, Resident Of Behind Kotwali, Kodiyan Mohalla, Ward No. 16, Bharatpur.
16. Seema Rani Sharma W/o Rajkumar, Aged About 48 Years, Resident Of In Front Of Agrawal Nursing Home Kila, Bharatpur.
17. Smt. Sohan Devi W/o Shri Ram Lal, Aged About 81 Years, R/o A-40, Ground Floor, Block-L, Udai Vihar, Nangloi (West Delhi).
18. Smt. Pushpa D/o Shri Ram Lal, Aged About 58 Years, R/o A-40, Ground Floor, Block-L, Udai Vihar, Nangloi (West) Delhi.
19. Smt. Urmila D/o Shri Ram Lal, Aged About 54 Years, R/o Izzat Nagar, Bareilly, Uttar Pradesh.
20. Smt. Aanju D/o Shri Ram Lal, Aged About 48 Years, R/o C-7/14, Mianwali Nagar, Paschim Vihar, West Delhi.

-----Respondents

For Petitioner(s)	:	Mr. Vinod Kumar Sharma for Mr. Sarans Saini
For Respondent(s)	:	Mr. Anil Mehta, AAG with Ms. Archana Mr. Bipin Gupta Mr. Dinesh Chand Gupta Mr. H.V. Nandwana Mr. Mahesh Chand Gupta Mr. S.K. Gupta, Sr. Advocate with Mr. Rahul Sharma

HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

21/07/2022

Heard.

Learned Additional Advocate General would submit that for want of relevant records pertaining to the year 1947 and 1955,

the affidavit and report as earlier directed could not be filed. Upon instructions he would submit that the Tehsildar, Bharatpur is custodian of the record and he informed that these records pertaining to settlement proceedings are not available in the Office. He would submit that on the basis of whatever material is available with the respondent, the affidavit and the report shall be filed within two weeks.

Learned Senior Counsel appearing for respondents No.17 to 22 would submit that this Court may direct Executive Engineer, Bharatpur irrigation under whose direction Flood Control Rain construction was carried out to produce the relevant record on the basis of survey carried out.

As Executive Engineer, Bharatpur is not party respondent, learned State Counsel may seek instruction from Executive Engineer, Bharatpur.

Let report and affidavit be filed within two weeks.

List on 4.8.2022. On the next date of hearing Tehsildar, Bharatpur and Executive Engineer, Bharatpur shall remain present.

(SHUBHA MEHTA),J

(MANINDRA MOHAN SHRIVASTAVA),J