

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14170/2025

Amit Kumar S/o Girraj Prasad,
-----Petitioner

Versus

The State Of Rajasthan
-----Respondent

For Petitioner(s) : Mr. Mukesh Kumar Goyal
For Respondent(s) :

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

28/01/2026

1. The present writ petition has been filed with the following prayer:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:-

- 1. Issue an appropriate writ, order, or direction to the respondents to restore the seizure order dated 16.05.2024, in view of non-compliance with mandatory conditions;*
- 2. Direct the Nagar Parishad and other concerned authorities to remove the illegal construction, including the basement, raised by respondent Nos.6 to 8 at their own cost, in order to protect the property of the petitioner, and to initiate appropriate legal and penal action against them in accordance with law;*
- 3. Direct the respondents to provide certified copies of the complete case records as requested by the petitioner;*
- 6. Pass any other appropriate order or direction as this Hon'ble Court may deem fit, just, and proper in the facts and circumstances of the case, in the interest of justice."*

2. Learned counsel for the petitioner submits that the respondents are raising construction in violation of the provisions of Rajasthan Municipal Act, 2009. He further submits that in view of violation of Section 194(7)(a) of the Rajasthan Municipal Act, 2009, the property of the respondent Nos.6 to 8 was seized vide order dated 16.05.2024 passed by the Commissioner, Nagar Parishad, Gangapur City. Thereafter, the Director, Local Bodies

(DLB) passed an order dated 10.10.2024 with the effect that seizure be revoked subject to the following conditions:-

“ उपरोक्त तथ्यों को दृष्टिगत रखते हुए सीज खोलने की अनुमति इस शर्त पर दी जाती है कि माननीय न्यायालय में कोई/स्थगन प्रभावी है तो, उसे पहले विद्धा करवाया जावे तथा इसकी पुष्टि करने के पश्चात विभागीय संदर्भित आदेश दिनांक 14.07.2022 के प्रावधानों की पालना करते हुए निर्धारित अवधि में स्वीकृति योग्य निर्माण की इजाजत नियमानुसार जारी की जावे तथा गैर अनुमत योग्य निर्माण को मौके से हटाने की कार्यवाही की जावे। ”

3. He also submits that without due compliance of the aforesaid conditions, the seizure proceedings in respect of the property were dropped and the private respondents, again, proceeded with the illegal construction without obtaining due permission. He further submits that, in the present matter, the petitioner has also obtained an interim stay vide order dated 17.01.2024 passed by the learned Civil Judge, Ganagapur City which is enforced till disposal of the suit and is valid as on date, further, the illegal construction has not been removed/ demolished.

4. Heard.

5. In that view of the matter, issue notice to the respondents, returnable by four weeks.

6. In the meanwhile, the respondents are restrained from raising any further construction on the subject property mentioned in the seizure order dated 16.05.2024 (Annex - 5).

7. However, the respondents are at liberty to move an application for stay vacation, if so advised.

(MANEESH SHARMA),J