

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14148/2025

Mahesh Kumar Jain, S/o Shri Hansraj Jain

----Petitioner

Versus

Jaipur Development Authority

----Respondent

For Petitioner(s) : Mr. Sarthak Rastogi

For Respondent(s) :

HON'BLE MR. JUSTICE SAMEER JAIN

Order

18/09/2025

Learned counsel for the petitioner has submitted that present petition is filed against the illegal commercial activities which are carried out by way of running marriage gardens as well as commercial shops by the private respondents on the agricultural land, which is prohibited. It is further submitted that as per legal provisions of the governing statute no conversion of land is carried out. Further, it is submitted that in order to avail alternative efficacious remedy under Section 83(8) of the JDA Act, a reference is filed along with the interim application before the concerned authority.

Furthermore, learned counsel has submitted that JDA authorities are hand-in-glove and despite filing of reference and representation, which are pending ever since 2024, no action is taken on the part of the JDA despite the categorical directions.

Relevant portion of the same is reiterated herein below:-

"6. यह कि रेफरेन्स प्रार्थना पत्र का चरण संख्या 6 का अभिकथन जिस प्रकार वर्णित किया गया है, एवं अप्रार्थी संख्या 1 व 2 पर जो आरोप लगाये गये हैं। यह सरासर तौर पर असत्य होने के कारण अस्वीकार है। जबकि

जविप्रा के यहां शिकायत प्राप्त होने पर नियमानुसार जांच पड़ताल करने के उपरान्त आवश्यक कार्यवाही अमल में लायी जा रही है तथा जविप्रा अवैध निर्माण के विरुद्ध नियमानुसार कार्यवाही करने के लिये स्वतंत्र है।”

Additionally, it is submitted that there is an infringement of quality of life as enshrined under Article 21 of the Constitution of India and violation of provisions under Section 152 of BNSS.

Heard.

Issue notices to the respondents.

Additionally, '*dasti*' service is permitted.

List the matter on 09.10.2025.

In the facts and circumstances and as *prima facie* case is made out, this Court directs that marriage garden and commercial shops in question should be restrained to carry out any commercial activity and in case of violation the said property shall be sealed forthwith.

Appropriate local head/competent authority shall do the needful within a period of 7 days and file a report after due examination/inspection of the issue, before this Court, prior to the next date of hearing.

(SAMEER JAIN),J