

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

S.B. Civil Writ Petition No. 8520 / 2017

Sita Ram Devanda And Anr

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

Connected With

S.B. Civil Contempt Petition No. 135 / 2008

Brijendra Singh

-----Petitioner

Versus

D C Samant

-----Respondent

For Petitioner(s) : Mr.Rajendra Soni

For Respondent(s) : Mr.Rajendra Prasad, AAG with Mr.Jatin
Agrawal

Mr.RP Garg with Mr.Subham Jain

Dr.Abhinav Sharma with Mr.Anand Sharma

Mr.Rinesh Gupta for Mr.AK Gupta

Mrs.Anuradha Upadhyaya

Mr.KS Rawat for Mrs.Naina Saraf

Mr.Abhishek M.Sharma for Mr.Manoj Sharma

HON'BLE MR. JUSTICE M.N.BHANDARI

Order

08/02/2018

Learned counsel for the respondents Mr.RP Garg and
Dr.Abhinav Sharma have raised objection for hearing of this writ
petition by Single Bench.

It is submitted that essentially, a challenge is made to the order passed in compliance to the judgment of the Division Bench in **DB Civil Writ Petition No.1016/2012** titled as **Mahaveer Prasad Vs. State** decided on 11th August, 2015. The petitioner has prayed for other reliefs also and even questioned the decision of the respondents said to be in violation of the provision of the Jaipur Development Act, 1982 apart from judgment of the Division Bench in the case supra. In view of the above, the petitioners should be heard by the Division Bench.

It is stated by learned counsel for the petitioners that no survey or proper decision in the matter has been taken. It is more specifically, after considering the another judgment of the Division Bench in the case of **Gulab Kothari VS. State of Rajasthan & Ors.** in **Civil Writ (PIL) NO.1554/2004** decided on 12th January, 2017.

Learned counsel for the petitioners submits that if it is to be heard by the Division Bench then this writ petition may be sent to the Division Bench and he will file additional copy of the writ petition and replies.

After considering the arguments made by learned counsel for the respondents, I feel it proper to sent this matter to the Division Bench, as earlier judgment was of the Division Bench. An order passed in compliance has been questioned. Accordingly, Registry is directed to list this writ petition before the Division Bench.

Learned counsel for the petitioners is directed to submit additional copy of the writ petition and replies, etc.

Let this writ petition be listed before the Division Bench along with contempt petition immediately on filing of additional copies.

(M.N.BHANDARI) J.

Preeti, PA/27-28

RAJASTHAN HIGH COURT



सत्यमेव जयते