

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 8520/2017
CNR: RJHC020821192017 | URN: CW / 15036U / 2017

Sita Ram Devanda And Anr

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

Connected With

1. D.B. Civil Contempt Petition No. 135/2008
(CNR: RJHC020099022008 | URN: CCP / 149U / 2008)
2. D.B. Civil Miscellaneous Application No. 108/2019
(CNR: RJHC020396522019 | URN: CMAP / 135U / 2019)

For Petitioner(s)	:	Mr. Rajendra Soni
For Respondent(s)	:	Mr. R.P. Garg Mr. Abhinav Sharma Mr. Amit Kuri Ms. Simran Agarwal on behalf of Ms. Anuradha Upadhaya Mr. Shyam Babu Khandelwal Mr. Sumit Choudhary Mr. Laxmi Narayan Mr. Ankit Jaiswal Mr. Rakesh Chandel Ms. Pooja Sharma & Mr. Vishal Kumar Mr. Manoj Sharma, AAG Ms. Shikha Sharma, AAAG on behalf of Mr. G.S. Gill, AAG

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE SANDEEP TANEJA

Order

19/08/2026

The application for impleadment of the applicant as a party respondent is allowed. The applicant is accordingly directed to assist the Court in the capacity of an intervenor.

Learned counsel appearing for the intervenor submits that the Railway Authorities have also encroached upon certain portions of the road in question.

The width of the road in question is not disputed by any of the parties.

The present writ petition has been filed by the petitioner seeking removal of encroachments from the public road in question.

Considering that the matter involves an issue of public importance concerning the removal of encroachments from a public road, the present writ petition is hereby treated as a Public Interest Litigation (PIL).

On 03.08.2026, this Court passed the following order:-

On 07.11.2024, this Court passed the following order:-

"Mr. Vigyan Shah, Additional Advocate General seeks three weeks' time to complete his instructions.

During the course of the arguments, it came to the notice of the Court that an additional affidavit has been filed on behalf of Jaipur Development Authority along with minutes of 62nd Meeting held on 28.03.2017, according to which, the width of road in dispute has been mentioned as 40 ft from 22 Godaam to Mahesh Nagar Pathak, 60 ft from Mahesh Nagar Pathak to Gopalpura Bye pass and 80 ft from Gopalpura Bye-pass to B-2 Bye-pass.

This writ petition has been filed by the petitioners alleging certain encroachments over the road in dispute.

Considering the facts and circumstances of the present case and also considering the minutes of the meeting dated 28.03.2017, We deem it just and proper to direct the Official respondents to file additional affidavit of some responsible Officer to the effect as to whether any encroachment as alleged in the writ petition exists over the road in dispute, as aforesaid and also disclose the width of the above said road determined in the meeting dated 28.03.2017.

List this matter on 02.12.2024."

Learned counsel for the JDA seeks time to make full compliance of the order dated 07.11.2024.

We grant two weeks' time to the JDA to submit an affidavit of their responsible officer indicating the number of encroachments removed, number of encroachments still existing on the road in dispute and what is their action plan to remove such encroachments.

List on 19.08.2026.

In compliance with the order dated 03.08.2026, Mr. Amit Kumar, learned counsel appearing on behalf of the Jaipur Development Authority, has filed an affidavit stating that the determined width of the road is 40 feet from 22 Godown Railway Station to Mahesh Nagar Phatak, 60 feet from Mahesh Nagar Phatak to Gopalpura Bypass, and 80 feet from Gopalpura Bypass to B-2 Bypass. It is further stated in the affidavit that approximately 310 encroachments exist at various places along the aforesaid stretches of road.

Learned counsel appearing for the Jaipur Development Authority seeks four months' time to take the necessary steps in the matter.

In that view of the matter, we direct Respondent No. 4, Jaipur Development Authority, to remove the encroachments existing over the road in question, whether made by private persons or by any statutory authority, after issuing 15 days' notice to the affected persons and providing them an opportunity of hearing, strictly in accordance with law.

The Secretary, Jaipur Development Authority, shall remain personally present before this Court on the next date of hearing along with a compliance report detailing the steps taken pursuant to the present order.

List on 25.11.2026.

It is further directed that no Civil Court or Tribunal shall entertain any appeal or civil suit concerning the road in question.

(SANDEEP TANEJA),J

(INDERJEET SINGH),J