

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 15782/2024

1. Anil Jain S/o Jeev Raj Mal Jain, R/o Near Hotel Sancheti Palace, Sancheti Colony-B, Bijainagar, (District Ajmer)- 305624
2. Vimal Kumar Bant S/o Uttam Chand Bunt, Sheetla Mata Gali, Bijainagar (District Ajmer)- 305624
3. Anil Kumar Shri Shri Mal S/o Ladu Lal Suwalal Shri Shri Mal, Flat No. 501, V Floor, Sunshine Kalyan, Plot No. A-9/10, Sikar Road, Ambawari, Jaipur- 302039
4. Amit Sand S/o Nihal Chand Sand, R/o Mahaveer Cotton Factory, Near Bus Stand, Bijainagar, District Ajmer- 305624

----Petitioners

Versus

1. State Of Rajasthan, Through Its Secretary, Department Of Local Self And Urban Development And Housing, State Secretariat, Jaipur.
2. Additional Chief Town Planner, Office Of Senior Town Planner, Ajmer Zone, Deepak Nagar, Jaipur Road, Ajmer.
3. Senior Town Planner, Ajmer Zone, Office Of Senior Town Planner, Ajmer Zone, Deepak Nagar, Jaipur Road, Ajmer.
4. Municipal Council, Bijainagar, Through Its Prescribed Authority And Executive Officer, Gandhi Udhyan, Beawar Road, Bijainagar (District- Ajmer)
5. Tehsildar, Tehsil Bijainagar, Bijainagar (District Ajmer)
6. Sh. Rajendra Gurjar S/o Parentage Not Known To Petitioners, Municipal Councillor, Ward No. 8, Ram Nagar Patel Colony, Bijainagar, District Ajmer.
7. Sh. Mukesh Mittal S/o Parentage Not Known To Petitioners, Senior Town Planner/ Additional Chief Town Planner, Office Of Senior Town Planner, Ajmer Zone, Deepak Nagar, Jaipur Road, Ajmer.

----Respondents

For Petitioner(s) : Mr. Sunil Samdaria
Mr. Arihant Samdaria

For Respondent(s) :

HON'BLE MR. JUSTICE SUDESH BANSAL

Order

01/10/2024

1. Heard learned counsel for the petitioners.

2. Petitioners have impugned the letter dated 17.09.2024, issued by the Additional Chief Town Planner, withdrawing technical opinion extended vide letter dated 01.08.2024 in respect of granting approval for conversion of land use of petitioners' land from agriculture to mixed purposes (commercial and residential) as also notice dated 19.09.2024, issued by the Executive Officer, Municipal Council, Bijainagar, proceeding to cancel the lease deeds of petitioners dated 22.08.2024 in furtherance to the letter dated 17.09.2024.

3. Learned counsel for petitioners has argued that the approval to change the land use was given vide letter dated 01.08.2024 in conformity to the order dated 4th August, 2023 passed by the Urban Development and Local Self Government Department, Government of Rajasthan and thereafter, the lease deeds dated 22.08.2024 were issued as also registered in favour of petitioners. Thereafter, the Additional Chief Town Planner, unilaterally and without issuing notice or giving opportunity of hearing to the petitioners, has withdrawn his earlier approval dated 01.08.2024 vide letter impugned dated 17.09.2024 which is ex-facie illegal as much as against the principles of natural justice.

4. Learned counsel submits that in furtherance to the impugned letter dated 17.09.2024, the Executive Officer, Municipal Council, Bijainagar has issued notice dated 19.09.2024, is proceeding to cancel the registered sale deeds of petitioners, which too is impermissible in law as much as such action is without jurisdiction.

5. Learned counsel for petitioners states that to the knowledge of petitioners, till date, the lease deeds have not been cancelled.



6. Heard.
7. Issue notice of writ petition as also of stay application to the respondents.
8. In the meanwhile, status quo in relation to the lands in question, for which the question about conversion of land use has arisen, shall be maintained by the parties as it exists today.
9. List the matter on 08.11.2024.

(SUDESH BANSAL),J

SOURAV /933-S