

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

D.B. Civil Writs No. 9497/2007

P N Maindola

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

Connected With

1. D.B. Civil Writs No. 809/2008
2. D.B. Civil Writs No. 15085/2011
3. D.B. Criminal Miscellaneous (petition) No. 3737/2012
4. D.B. Civil Writs No. 15520/2012
5. D.B. Civil Writs No. 16228/2012
6. D.B. Civil Writs No. 16229/2012
7. D.B. Civil Writs No. 16230/2012
8. D.B. Civil Writs No. 20356/2012
9. D.B. Civil Contempt Petition No. 699/2013
10. D.B. Civil Writs No. 12202/2013
11. D.B. Civil Writs No. 2799/2014
12. D.B. Civil Writs No. 4936/2015
13. D.B. Special Appeal Writ No. 1276/2017
14. D.B. Special Appeal Writ No. 1860/2017
15. D.B. Special Appeal Writ No. 1861/2017
16. D.B. Special Appeal Writ No. 1862/2017
17. D.B. Special Appeal Writ No. 1864/2017
18. D.B. Special Appeal Writ No. 1865/2017
19. D.B. Special Appeal Writ No. 1866/2017
20. D.B. Special Appeal Writ No. 1867/2017
21. D.B. Special Appeal Writ No. 1868/2017
22. D.B. Civil Writs No. 9048/2017
23. D.B. Civil Contempt Petition No. 356/2018
24. D.B. Civil Contempt Petition No. 1822/2018
25. D.B. Special Appeal Writ No. 1058/2018
26. D.B. Special Appeal Writ No. 1145/2018
27. D.B. Civil Contempt Petition No. 1014/2018
28. D.B. Civil Contempt Petition No. 923/2018

For Petitioner(s) : Mr. S.D. Khaspuria
Mr. Vimal Choudhary with Mr. Yogesh Tailor,
Mr. Abhi Goyal
Mr. Gopal Singh Bareth
Mr. Nitesh Pareek on behalf of Mr. A.K. Bajpai
Mr. G.P. Sharma, Mr. G.P. Kaushik
Mr. P.N. Maindola, petitioner in person

For Respondent(s) : Mr. G.S. Gill, AAG
Mr. Virendra Lodha, Senior Advocate assisted by Mr. Jail Lodha,
Mr. Ajay Choudhary,
Mr. Ajatshatru Mina,
Mr. Amit Kuri,
Ms. Anita Aggarwal with Mr. Laxmikant Sharma
Mr. Ravi Chirania with Mr. S. Panwar
Mr. Jeetam Kumar Saini on behalf of Mr. Gaurav Sharma
Mr. Pritam Singh on behalf of Mrs. Nainra Saraf
Mr. Shailesh Prakash Sharma
Mr. Sanjay Joshi, Mr. Atul Saxena,
Mr. Prakul Khurana, Mr. Mohd. Anees,
Mr. B.L. Saini
Mr. Ramdhan on behalf of Mr. Bharat Vyas

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE G R MOOLCHANDANI

Order

26/11/2018

1. On 26.02.2018 following order was passed:-

"1. A stalemate has ensued notwithstanding various orders being passed to ensure that encroachments on Dravyawati River be removed.

2. On 26.02.2015 directions were issued to the State Government to approach the National Environmental Engineering Research Institute (NEERI) for a preliminary study. The State Government was directed to carry out a survey by satellite imaging of the entire stretch of the Dravyawati River and its banks by engaging a Government agency for satellite imaging.

3. In the order dated 19.05.2015, the nature of work to be carried out by NEERI and the necessary steps to be taken were enlisted.

4. On 11.12.2017, an order was passed directing the Officer concerned in the Revenue Department to remain personally present so that the Court could identify through which khasra numbers Dravyawati River flows and which lands abutting the embankment are private lands and which lands belong to the Government. Thereafter the matter was renotified and is listed for today.

5. On 03.10.2006, an order was passed by the Principal Seat of this Court at Jodhpur in a Public Interest Litigation observing that all the lands shown as drainage channels like nalla, rivers, tributaries etc. as on 15.08.1947 be declared as Government land and conversions made after 15.08.1947 be declared illegal.

6. In another proceedings, a Bench of this Court at Jaipur passed an order on 29.05.2012 directing the Water Resource Department to work as a Nodal Agency. A detailed discussion was made therein observing that the action of the State Government which would be in violation of Section 16 of the Rajasthan Tenancy Act, 1955 would prima-facie be illegal. Paragraph 11 of the said order specifically mentions about the land position in the year 1955.

7. The only way forward is to firstly access the Khatouni Bandobast (Jamabandi) of 1955, Milan Kshetrphal, Original (Mool) Survey Sheet and other related documents of 1955 regarding Dravyawati River originating from Nahargarh Hills and flowing towards Village Ralawata, Jaipur and superimpose the present position of the river on the Sajra Plan of 1955.

8. We direct the Settlement Commissioner to prepare the aforesaid documents and after superimposing the same produce one plan and submit the same in Court within four weeks. The Jaipur Development Authority, Irrigation Department and other concerned departments are directed to provide the required documents to the Settlement Commissioner within a period of one week from today. The plan so prepared after superimposition would be produced in the Court.

9. Renotified for 22.03.2018."

2. Matter was thereafter taken up from time to time on various dates and suffice it to highlight that on 16.07.2018 the following order was passed:-

"1. The process of preparing the necessary documents as contemplated by the order dated 26.02.2018 is still on. Record pertaining to 34 villages has to be prepared. Till date only 12 villages have been covered. The 12 villages in respect whereof the record has been completed are as follows:-

- (i) Mayla Bagh*
- (ii) Jaisalya*
- (iii) Beed Papad*
- (iv) Beed Sarkari*
- (v) Kishan Bagh*
- (vi) Bassi Sitarampura*
- (vii) Chak Hasanpura*
- (viii) Sahajpura/Sejpura*
- (ix) Hasampura*
- (x) Prempura*
- (xi) Chak Chuhawas*
- (xii) Madrampura*

2. We have requested learned counsel for the parties, wherever a party desires to inspect the record, to contact the Office of the Superintending Engineer, Jaipur Development Authority, who would give inspection to the Counsel concerned.

3. Renotified for 20.08.2018."

3. Thereafter vide order dated 20.08.2018 it was noted that the task directed to be undertaken vide order dated 26.02.2018 has been completed for four more villages.

4. Today, another roadblock has surfaced. Not being informed earlier that after 1955 two settlements have been effected and khasra numbers have been changed requires the Revenue Department to co-relate land comprised in the khasra numbers as of the year 1955 with the current khasra numbers. Thus, while completing the task assigned by the order dated 26.02.2018 the Settlement Commissioner shall simultaneously

tabulate the old khasra numbers as of the year 1955 with the new khasra numbers so that the issue can be decided.

5. Learned counsel for the parties state that they are willing to pay money to the Settlement Commissioner to supply to them the revenue record now being tabulated alongwith the revenue map as per the order dated 26.02.2018.

6. We therefore direct that on such charges as would be payable the Settlement Commissioner shall supply the record being prepared and filed in this Court to the parties. On payment made by the parties the record would be supplied certifying the same to be a true copy.

7. At this stage Mr. G.S. Gill, AAG says that the preparation of the map is being done by a private agency under the instructions of the Settlement Commissioner. Whatever charges have to be paid to said company for preparing duplicate sets of the revenue map would be indicated to such party who desires a copy thereof.

8. List after eighteen weeks.

(G R MOOLCHANDANI),J

(PRADEEP NANDRAJOG),CJ