

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 9497/2007

P N Maindola

-----Petitioner

Versus

State Of Raj And Ors

-----Respondent

Connected With

1. D.B. Criminal Miscellaneous (petition) No. 3737/2012
2. D.B. Civil Writ Petition No. 16228/2012
3. D.B. Civil Writ Petition No. 16229/2012
4. D.B. Civil Writ Petition No. 16230/2012
5. D.B. Civil Writ Petition No. 20356/2012
6. D.B. Civil Contempt Petition No. 699/2013
7. D.B. Civil Writ Petition No. 12202/2013
8. D.B. Civil Writ Petition No. 2799/2014
9. D.B. Civil Writ Petition No. 4936/2015
10. D.B. Special Appeal Writ No. 1276/2017
11. D.B. Special Appeal Writ No. 1860/2017
12. D.B. Special Appeal Writ No. 1861/2017
13. D.B. Special Appeal Writ No. 1862/2017
14. D.B. Special Appeal Writ No. 1864/2017
15. D.B. Special Appeal Writ No. 1865/2017
16. D.B. Special Appeal Writ No. 1866/2017
17. D.B. Special Appeal Writ No. 1867/2017
18. D.B. Special Appeal Writ No. 1868/2017
19. D.B. Civil Contempt Petition No. 356/2018
20. D.B. Civil Contempt Petition No. 923/2018
21. D.B. Civil Contempt Petition No. 1014/2018
22. D.B. Special Appeal Writ No. 1058/2018
23. D.B. Civil Contempt Petition No. 1689/2018
24. D.B. Civil Contempt Petition No. 1822/2018
25. D.B. Civil Writ Petition No. 25024/2018

For Petitioner(s) : Mr. Abhay Kumar Bhandari, Sr. Adv.
assisted by Mr. Vaibhav Bhargava
Mr. Rakesh Chandel

Mr. Abhi Goyal
Mr. Ashish Sharma
Mr. Poonam Chand Bhandari with
Mr. Abhinav Bhandari
Mr. Vimal Choudhary
Mr. Yogesh Taylor
Mr. Madhav Mitra, Sr. Adv. assisted by
Ms. Shruti Dixit
Mr. Gopal Singh Bareth

For Respondent(s) : Mr. Ashvini Raj Tanwar on behalf of
Mr. Akhil Simlote
Mr. Ashish Kabra &
Mr. Moin Khan on behalf of
Mr. Daksh Pareek
Mr. Amit Kuri with
Mr. Harshvardhan Shekhawat &
Ms. Nandini Mirdha
Ms. Shikha Sharma on behalf of
Mr. GS Gill, AAG
Mr. Samee Khan on behalf of
Mr. Bhunesh Sharma, AAG
Ms. Anita Aggarwal with
Mr. Anubhav Agarwal
Mr. Suveer Gaur with
Ms. Parneet Kaur on behalf of
Mr. Ajatshatru Mina
Mr. Amit Gupta
Mr. Gaurav Sharma with
Mr. Sahil Parashar

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA

HON'BLE MR. JUSTICE UMA SHANKER VYAS

Order

03/02/2025

This batch of petitions and writ appeals includes D.B. Civil Writ Petition (PIL) No.9497/2007, wherein certain directions were issued by this Court, in purported compliance of which the JDA started taking action for removal of many persons on the ground of alleged encroachments. The result was that those persons against whom the action was initiated, started making applications for impleadment and in this manner, large number of those

persons approached this Court aggrieved by certain proceedings drawn by the JDA affecting their rights. There are certain contempt petitions also, which have been filed alleging non-compliance/part compliance of the directions which were issued by this Court from time to time and the same are pending since long.

Some writ appeals have also been listed today for analogous hearing. These appeals arise out of the orders passed by the learned Single Judge in several writ petitions filed by those, who were aggrieved by the action initiated by the JDA in compliance/purported compliance of the directions issued by this Court in D.B. Civil Writ Petition (PIL) No.9497/2007- P.N. Maindola Vs. State of Rajasthan & Ors.

The picture which now emerges is that the PIL which was filed invoked extraordinary jurisdiction of this Court. In compliance of the orders of this Court, the JDA started taking action against large number of persons, either proceeding to remove them on the ground that they are encroachers, or proceeding to make reference to the revenue authorities recommending cancellation of their *khatedari* rights.

The directions which have been issued from time to time in the PIL are not towards decision of any individual case as to whether a person/individual petitioner/intervenor was encroacher, or one whose *khatedari* rights are liable to be cancelled. The PIL was filed aggrieved by the inaction on the part of the JDA in not taking appropriate steps for protection of Dravyavati River.

At this point of time, what further directions are required to be issued, could alone be taken into consideration because the

JDA has already initiated various proceedings which has given rise to several litigations.

The JDA, at this stage, may now submit a composite compliance report clearly stating as to how directions issued by this Court from time to time have been complied with. We however, make it clear that the purpose of this PIL is only to ensure whether the JDA has initiated any proceeding or not, and not to decide individual's rights which are subject matter of different cases or intervenor/newly impleaded private respondents in these cases.

On the next date of hearing, we propose to dispose of these cases.

All the writ appeals be detagged and be listed separately for consideration of their individual cases.

List after one week.

A copy of this order be placed in each connected file.

(UMA SHANKER VYAS),J

(MANINDRA MOHAN SHRIVASTAVA),CJ