

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

S.B. Civil Writ Petition No. 16978/2019

Shree Ram Colony B Vikas Samiti

----Petitioner

Versus

State Of Rajasthan

----Respondent

Connected With

S.B. Civil Writ Petition No. 336/2019

Jyoti Sejwani W/o Nanak Chand Sejwani

----Petitioner

Versus

The Rajasthan Housing Board

----Respondent

S.B. Civil Writ Petition No. 13563/2019

Jyoti Sejwani Wife Of Nanak Chand Sejwani

----Petitioner

Versus

The Rajasthan Housing Board

----Respondent

S.B. Civil Writ Petition No. 15576/2019

Rajasthan Housing Board, Jaipur

----Petitioner

Versus

Jaipur Development Authority

----Respondent

For Petitioner(s) : Mr. Rajendra Prasad, Sr. Adv. with Mr. Ashish Sharma
Mr. M.M. Ranjan, Sr. Adv. with Mr. Rajat Ranjan

For Respondent(s) : Mr. M.S. Singhvi, Adv. General assisted by Mr. Sheetanshu Sharma, Mr. Darsh Pareek, Mr. Pranav Bansali
Mr. V. Lodha, Sr. Adv. with Jai Lodha
Mr. R.N. Mathur, Sr. Adv. with Mr. Shovit Jhaharia
Mr. A.K. Sharma, Sr. Adv. with Mr. Rachit Sharma
Mr. S.S. Raghav, AAG
Mr. Imran Khan, Addl. G.C.
Mr. M.K. Dhakad for Mr. R.A. Katta
Mr. Ram Kumar Sharma

HON'BLE MR. JUSTICE PANKAJ BHANDARI**Judgment / Order****09/12/2021**

1. An urgent request has been made for these bunches of writ petitions.
2. It is contended by learned Advocate General that an interim order was passed by the Court restraining the opposite parties from changing status quo as was existing on that date. It is argued that the members who are in unlawful possession, have started construction and are changing the status which is existing.
3. To this, counsel for the petitioner contends that no new construction has been or is being raised. The question involved here pertains to a land which was acquired by Rajasthan Housing Board way back in the year 1991. Petitioners have claimed the possession on the ground that the land was sold to the cooperative society by the *Khatedar* way back in the year 1981 by an agreement and society had issued *pattas* in favour of the persons, who are now in possession. It is also contended that petitioners have won upto the Supreme Court.
4. Contentions of learned Advocate General is that there was no agreement way back in the year 1981, as there was an audit report of the year 1979-82 and no name of scheme is there in the audit report. It is further contended that petitioners are land grabbers and no right can be accrued in their favour.
5. I have considered the contentions.
6. The issues involved in these cases require deliberation and proper hearing. However, to ensure that no new construction is raised, this Court deems it proper to direct the Rajasthan Housing Board to take possession of the construction material including,

bajri, cement, stones, bricks and iron rods from the site after making videography of the same.

7. This order is passed to ensure that no new construction are made as the main plea of the learned Advocate General is that property was acquired by the Rajasthan Housing Board and fraud has been played upon the Court in the earlier proceedings and in the present proceedings also.

8. List these matters on 10.01.2022, as a first case.

(PANKAJ BHANDARI),J

ARTI SHARMA /186-189



सत्यमेव जयते