

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ (PIL) Petition No. 17702/2023

Kanhaiya Lal Meena S/o Shri Shaitan & Another

-----Petitioners

Versus

The State Of Rajasthan & Others

-----Respondents

For Petitioner(s)	:	Mr. Palash Srivastava, Advocate with Mr. Ajay Kumar, Advocate
For Respondent(s)	:	Mr. Yashodhar Pandey, Advocate for Mr. Anil Mehta, AAG

HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA
HON'BLE MRS. JUSTICE SHUBHA MEHTA

Order

02/11/2023

We find that for the purposes of adjudication of controversy involved in this case, only Respondent Nos.2 and 8 to 11 are necessary party.

Mr. Yashodhar Pandey, learned counsel under instructions from learned Additional Advocate General takes notice on behalf of Respondent No.2.

A copy of petition along with annexures has already been supplied.

Reply may be filed in two weeks.

Issue notice to Respondent Nos. 8 to 11 on payment of P.F. within two days. Notices be made returnable within two weeks.

List this case on 17.11.2023.

The allegation in the petition is that, though, the deed of trust does not permit disposal of property, it is being auctioned in which the purchasers are none other than the trustees. Learned

counsel for the petitioner has placed on record a copy of deed of trust also. The deed on plain reading does not allow disposal of property belonging to the public trust for purposes other than religious purposes as specified in the deed itself. Section 31 of the Rajasthan Public Trust Act, 1959 permits transfers subject to the directions in the instrument of the trust or any direction given under the Act or any law by any Court. Moreover, it shows that for such transfers previous sanction of Assistant Commissioner Devsthana property is necessary.

Considering the aforesaid aspect as reflected from the contents of the petition and the provisions of the applicable law, Respondent Nos.2 and 8 to 11 are directed to maintain the status quo as is exists today with regard to the property.

(SHUBHA MEHTA),J

(MANINDRA MOHAN SHRIVASTAVA),J