



2026:RJ-JP:17685-DB

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 18502/2023

Shri Ramnagar Nagrik Vikas Samiti

-----Petitioner

Versus

The State Of Rajasthan & Ors.

-----Respondents

For Petitioner(s)	:	Mr. Yash Takhar
For Respondent(s)	:	Ms. Shikha Sharma on behalf of Mr. Guru Charan Singh Gill, AAG Ms. Arzoo Khan with Mr. Rishabh Yadav & Mr. Prateek Yadav

HON'BLE THE CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MR. JUSTICE ANAND SHARMA

Order

02/04/2025

Heard on applications (IA Nos. 1/2025, 2/2025, 3/2025 & 4/2025) for impleadment.

Learned counsel appearing for the proposed applicants would submit that the proposed applicants are in valid possession of the *patta* either granted to them or to their predecessor in title and they are not encroachers. It is submitted that by concealing the fact of applicants being *patta* holders, the petitioners have filed this petition and the Nagar Nigam, Greater has also not placed proper material on record before the Court nor has disclosed regarding *patta*.

Learned counsel appearing for the Corporation would submit that in the interim reply filed before the Court, it has been disclosed that on receipt of certain complaints regarding encroachment, inspection was carried out. As per inspection



report, on both sides of the sector road and in front of the residential plots, shops have been constructed since many years. In the interim reply, it was also stated that it was proposed to conduct P.T. Survey and Chief Town Planner was also requested vide memo dated 31.07.2024 for providing necessary information for P.T. Survey.

In the subsequent affidavit filed by the Deputy Commissioner of the Corporation, it has also been stated that constructions existing on the spot are old one which are being used for residential as well as commercial purposes and the electricity and water connections are also existing. In the affidavit it has also been stated that on raising new constructions over the land of 60 feet road, two plots i.e. Plot No.111, Shri Ram Nagar and Plot No.111-A, Shri Ram Nagar-A, Jhotwara, Jaipur were seized. It has further been submitted by learned counsel for the Corporation that proceeding for P.T. Survey of the area is under consideration and after conducting P.T. Survey, as per scheme encroachments will be identified and proceedings under Sections 194 and 245 of the Rajasthan Municipalities Act, 2009 will be initiated against the encroachers.

According to learned counsel for the petitioner, presently only notices have been issued, therefore, the proposed applicants need not be allowed to be impleaded as party respondents in the present petition, as it is open for them to reply to those notices issued by the Corporation.

It appears that the petitioner filed present petition for removing the encroachment, on which notices were issued and the Corporation has proceeded to issue notices to large number of



persons including proposed applicants. In these circumstances, as the action has been initiated on the basis of certain directions issued by this court, the proposed applicants are allowed to be impleaded as party-respondents.

The applications (I.A. Nos. 1/2025, 2/2025 3/2025 & 4/2025) are, accordingly, allowed.

It is made clear that in these proceedings, this Court has not decided as to whether any particular individual is encroacher or not. All that has been done, is to direct the Corporation to make necessary inquiry into the matter. If the Corporation is having available with it any *prima facie* material that any encroachment has taken place either without there being any authority for possession like: *patta*, licence etc., or that even though there may be *patta* holders, but they have exceeded their land and encroached upon public road 60 feet wide, it is required to afford opportunity of hearing by giving notice to all those against whom action is proposed either on the ground that he is not having any document of valid authority of possession, or he has encroached beyond the land allotted under *patta* and has encroached upon public road. We find that all the proposed applicants are those to whom, notices have been issued. These applicants claim that they the *patta* holders. Therefore, unless their *patta* is cancelled, they cannot be thrown out from the land included in the *patta*. However, if it is found that they have exceeded the land under *patta* and have encroached upon the public road, certainly in that case, action can be taken for removal of encroachment subject, of course, to afford them an opportunity of hearing. All the newly impleaded respondents may submit their reply to the show cause



notices which have been given to them. The Corporation Authority shall examine the reply and then pass speaking order in each case and record specific finding, if any encroachment is found.

Learned counsel for the Corporation would submit that completion of detailed proceedings under various orders passed by this Court from time to time including the present order passed today may take some time.

Prayer appears to be reasonable.

The matter be listed after six weeks.

It is made clear that if any adverse order is passed against any of the newly added respondents, or any other person to whom such notices have been issued, it will be open for them to challenge that order in properly constituted petition and the orders and proceedings of this Court shall not come in their way.

(ANAND SHARMA),J

(MANINDRA MOHAN SHRIVASTAVA),CJ