

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

D.B. Civil Writ Petition No. 17971/2022

1. Vijay Kumar Boyat S/o Raju Boyat, Aged About 31 Years, R/o C-39, Indra Nagar, Phase-2Nd, Jaipur.
2. Prakash S/o Sharwan Kumar, Aged About 30 Years, R/o 2/139 Aajad Nagar, Jaipur.
3. Yograj Boyat S/o Raju Boyat, Aged About 34 Years, R/o C-39, Indra Nagar, Phase-2Nd, Jaipur.
4. Vinod Dhanga S/o Jagdish Prasad Dhanga, Aged About 32 Years, R/o 137 Khadi Gram Udhog Road, Sanganer, Jaipur.
5. Kalu Ram Yadav S/o Balo Ram Yadav, Aged About 42 Years, House No. 78 B Ahiro Ki Dhani, Niwaru, Jhotwara, Jaipur.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Urban Development And Housing Department, Secretariat, Jaipur.
2. Additional Chief Secretary, Department Of Urban Development And Housing, Rajasthan Government, Jaipur
3. Commissioner, Jaipur Development Authority, Jaipur
4. Secretary Jaipur Development Authority, Jaipur.
5. Chief Enforcement Officer, Jaipur Development Authority, Jaipur
6. Dy. Commissioner, Zone-7, Jaipur Development Authority, Jaipur
7. Estate Officer Zone 7, Jaipur Development Authority, Jaipur.

----Respondents

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For Petitioner(s) : Mr. Neeraj Batra assisted by  
Mr. Vinay Jain

For Respondent(s) :

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**HON'BLE MR. JUSTICE MANINDRA MOHAN SHRIVASTAVA  
HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI  
Order**

**05/12/2022**

Heard.

This PIL has been filed by the petitioners seeking direction to respondent- JDA to take appropriate action against encroachers.

Having heard the submissions made by learned counsel for the petitioners and gone through the pleadings and various orders including order passed by the JDA Tribunal on 31.05.2017, we find that under the judicial intervention, the interest of the alleged encroachers was protected until a proper enquiry after appropriate opportunity is concluded. We further find that thereafter, JDA issued notices to all such persons who are alleged to be encroachers.

The submission of learned counsel for the petitioners is that even though five years have elapsed, the proceedings have not been brought to their logical conclusion and till date the encroachments have not been removed.

We find that the JDA Tribunal, way back on 31.05.2017 issued directions for holding proper enquiry and giving opportunity of hearing to alleged encroachers. We also find that in 2017 itself JDA had issued notice to those who are alleged to be in encroachment of various plots of which details have been given in the notices.

Much time is elapsed. The JDA cannot keep such matters of allegation of encroachment pendings for years together. Five years have already elapsed and it is high time that JDA should, pass the order and take appropriate action, in case, upon enquiry, it is found that encroachment has taken place.

We may only observe that the JDA Tribunal in order dated 31.05.2017 has given detailed directions protecting interest of all

the parties. Therefore, it is not necessary for us to reiterate those directions again. At this stage, we are inclined to dispose off this PIL with a direction to JDA to conclude the proceedings within a period of three months from the date of receipt of the copy of this order.

Writ petition is accordingly disposed off.

In case encroachment are not removed as directed herein above, the petitioner may revive the petition.

(VINOD KUMAR BHARWANI),J (MANINDRA MOHAN SHRIVASTAVA),J

Keshav/24

