

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

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

Vijay Kumar Boyat S/o Raju Boyat

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s)	:	Mr. S. N. Bohra on behalf of Mr. Neeraj Batra.
For Respondent(s)	:	Mr. Amit Kuri. Mr. Harshvardhan Shekhawat. Mr. Sunil Sharma, DC, Zone-7, JDA. Mr. Surender Soni, EO, Zone-7, JDA

HON'BLE MR. JUSTICE INDERJEET SINGH
HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI
Order

21/11/2024

The matter relates to encroachment over the public road.

The petition was disposed of vide order dated 05.12.2022 with the observation that Jaipur Development Authority (hereinafter to be referred as 'JDA') shall remove the encroachments from the public road at the earliest. Thereafter, when no action was taken by the officers of JDA, the said writ petition was revived by this Court vide order dated 11.08.2023 which reads as under:-

"Considering the submission of learned counsel for the petitioners that till date no steps have been taken by the JDA to remove encroachment, writ petition stands revived.

Accordingly this misc application is disposed."

Today, learned counsel for respondent-JDA has submitted the reply, according to which, encroachments are there on the road in dispute; starting from 200 feet Sirsi Road Bypass up to Khatipura Tiraha and thereafter from Khatipura Tiraha to Queens Road, Jharkhand Mod.

Admittedly, according to the records of JDA, the width of road in dispute is 48 meters starting from 200 feet Sirsi Road Bypass up to Khatipura Tiraha and thereafter 30 meters from Khatipura Tiraha to Queens Road, Jharkhand Mod.

According to reply filed on behalf of the JDA, as per PT Surevey, about 274 persons have made encroachments on both sides of the road. Counsel for respondent-JDA further submits that in the total area, encroachments over the road are of many sizes of various meters at different places of the road.

We have considered the reply as well as submissions made on behalf of the JDA. Width of the road is not in dispute. Therefore, we direct the respondent-JDA to remove the illegal construction whether *pakka* construction or any type of other encroachment like wire fencing, *jaali* etc. after giving seven days' notice to the person who is owner/tenant residing in the premises. After receiving any objection from the aggrieved persons, decide their objections within a period of seven days and thereafter proceed to clear the public road from any type of encroachments/construction and maintain the width of the road as stated above within two months.



[CW-17971/2022]

The Secretary, JDA shall remain present in the Court on the next date of hearing along with status report with regard to removal of encroachments from the road in dispute.

List on 20.01.2025.

(VINOD KUMAR BHARWANI),J

(INDERJEET SINGH),J

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