HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19310/2025

Barakat Ali Son Of Shri Alad Ali, Aged About 82 Years, Resident Of Gali No.6 Ward No.7 Uday Nagar Plot 100, Jhotwara, Jaipur Rajasthan 302012,

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Chief Secretary, Government Of Rajasthan, Secretariat, Jaipur,
2. Jaipur Development Authority, J.l.n. Marg, Jaipur Through Its Commissioner
3. Commissioner, Municipal Corporation, Jaipur.
4. Deputy Commissioner, Municipal Corporation, Vidhyadhar Nagar Zone, Jaipur.

----Respondents

For Petitioner(s)	:	Mr. Anurag Shukla
For Respondent(s)	:	Mr. G.S Gill, AAG with Mr. S.P. Singh Rajawat, AGC Mr. Darsh Pareek

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HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

10/12/2025

1. The present writ petition raises challenge to the notice dated 28.11.2025, issued by the Office of the Deputy Commissioner (Vidyadhar Nagar Zone) Municipal Corporation, Jaipur, issued under Section 245 of the Rajasthan Municipalities Act, 2009, vide which the petitioner has been mandated to remove the encroachment stated in the said notice.

2. At the very outset, learned counsel for the petitioner submits that present proceedings have been initiated by the respondents in view of the order dated 31.07.2025, passed by the Division

Bench of this Court in ***DB Civil (PIL) Writ Petition No.4774/2020*** titled as ***Liyakat Ali Khan & Ors. vs. State of Rajasthan and Ors.*** *The* order dated 31.07.2025, reads as under:-

> *"1. Counsel for petitioners states that in affidavit in reply filed by authorities, there is an admission that there are encroachments. There are some pending applications also by private parties who seek to be impleaded."*
> *2. Whether there are encroachments and to what extent and by whom have to be examined by authorities concerned.*
> *3. Counsel for petitioners states that way back in 2019, authorities had issued notices to various private individuals calling upon them to show cause as to why they should not be termed as encroachers/removal of encroachments, no action has been taken.*
> *4. Mr. G.S. Gill, Additional Advocate General states that within four weeks, action will be initiated in furtherance of show cause notice already issued and to the extent notices have not been issued to certain encroachers, now notices will be issued within four weeks.*
> *5. Respondents are directed to complete process and remove encroachments, if there are any, by 31st December 2025. Copies of notices issued shall be made available to petitioners and if there is any personal hearing given petitioners shall also be heard.*
> *6. Petition disposed."*

2. Learned counsel submits that though the applications seeking impleadment were filed by them before the Division Bench, reference of which is made in the order dated 31.07.2025, no order was passed on them.

3. Learned counsel also submits that as the order dated 31.07.2025 requires the respondents to grant an opportunity of hearing to the petitioners therein, similar treatment be given to the petitioner herein as well.

4. Mr. G.S Gill, Additional Advocate General, appearing on behalf of respondent No. 3 and 4 has no objection to the said submission made by the counsel for the petitioner to the extent of granting an opportunity of hearing to the petitioner.

5. In view of the above, the present petition stands disposed of, granting an opportunity to the petitioner to appear before respondent No.4-Deputy Commissioner, Municipal Corporation, Vidhyadhar Nagar Zone, Jaipur on 12.12.2025, along with their representation and documents, if any, at 11:00 am.

6. It is expected from the concerned Authority to consider their representation after granting due opportunity of hearing and decide the same within 5 days thereafter. It goes without saying that, any action, if so proposed to be taken by the respondents, would be after the decision on the representation so made by the petitioners. With the above direction, the writ petition stands disposed of.

7. It is needless to say that while granting the opportunity of hearing, the respondent No.4 would duly keep in mind the directions issued by the Division Bench in the order dated 31.07.2025.

(ANUROOP SINGHI),J

DIKSHA MISHRA /93