


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 44/2025

Ramawtar Khandelwal S/o Shri Raghunandan Prasad

----Petitioner

Versus

State Of Rajasthan and Ors.

----Respondents

For Petitioner(s)	:	Mr. Rajesh Kumar Sharma Ms. Kamani Pareek
For Respondent(s)	:	Mr. Sankalp Vijaywargiya for Mr. Vigyan Shah, AAG

HON'BLE MR. JUSTICE ANUROOP SINGHI

Order

18/02/2026

Learned counsel for the petitioner submits that the petitioner, out of his own khatedari land, donated land admeasuring 10 Bighas for construction of a hospital and separately for a right of way. Learned counsel submits that subsequent to the said land being donated by the petitioner specifically for construction of hospital thereon, a work order was issued for its construction and pursuant thereto, a boundary wall was constructed. An amount of Rs.4,26,617/-, as sanctioned, has already been spent for construction of the said boundary wall and a further amount has also been incurred. However, subsequently, for reasons best known to the respondents, the said construction was stopped abruptly and a decision was taken not to construct the hospital on the said land and instead to construct it at a different location.

Learned counsel for the petitioner submits that the said decision is nothing but politically motivated and that no reasons *qua* the same has been assigned. He further submits that till date, the land donated by the petitioner remains in possession of the respondents, which ought to have been returned to the petitioner forthwith once the decision not to construct the hospital on the said land was taken. Not only that, action deserves to be taken against those persons who are responsible for dumping public money by such shifting of location.

Per contra, Mr. Sankalp Vijaywargiya, learned counsel appearing on behalf of Mr. Vigyan Shah, learned AAG, for the respondents, submits that the decision to construct the hospital at a location different from the land as donated by the petitioner is a policy decision and has been taken by the respondents considering the best interest of the public at large.

Learned counsel submits that the land donated by the petitioner was insufficient and inconvenient, hence, after thorough scrutiny, a decision was taken not to continue with the construction of the hospital on the land donated by the petitioner.

Taking note of the facts on record and the submissions advanced, it cannot be disputed that construction of a hospital at a particular location falls within the sole domain of the respondents and is a policy matter. However, this Court cannot shut its eyes to the fact that land donated by a person remained blocked by the respondents for the entire period and that construction to the extent of boundary wall was raised thereon, wherein public money was spent and thereafter a decision was taken to shift the location of the hospital. The decision, firstly to

construct the hospital at a particular location and thereafter to shift the same cannot be merely at whims and fancies of the authorities, more so when it has led to the expenditure of public money.

Thus, it would be in the fitness of things to direct the respondents to submit complete details with respect to the amount already spent by them for raising construction on the land donated by the petitioner along with names and particulars of the authorities who sanctioned the said construction. The said details be filed on or before the next date.

The time period within which possession of the land donated by the petitioner would be handed back to him shall also be specified on or before the next date, positively.

List the matter on 17.03.2026 in the same category.

(ANUROOP SINGHI),J