



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



D.B. Civil Writ Petition (PIL) No. 18006/2012

Ajay Marg Nirman Sangharsh Samiti Through Its Convener Anil Kumar Sharma Son Of Shri Ram Das Sharma Aged 48 Years, Resident Of Plot No.71/17 Ajay Marg, Sheopur Road, Pratap Nagar, Jaipur (Raj.)

-----Petitioner

Versus

1. The State Of Rajasthan Through Principal Secretary, Urban Development And Housing Department, Jaipur.
2. Jaipur Development Authority, Jaipur Through Secretary
3. The Rajasthan Housing Board, Jaipur Through Its Commissioner
4. Parshavnath Nagar Vikas Samiti Through Its Convener Dilip Kumar Sharma
5. Ramesh Chand Meena S/o Shri Gulab Chand Meena, Aged About 35 Years, R/o Plot No. A-78, Shivpuri Colony, Jaipur
6. Shishupal Meena S/o Shri Gulab Chand Meena, Aged About 33 Years, R/o Plot No.A-78 Shivpuri Colony, Jaipur
7. Dr. Anil Kumar Patariya S/o Shri Rameshwar Lal Patariya, Aged About 40 Years, R/o Plot No.1, Tirupati Balaji Nagar, Gram Khokhawas, Jaipur
8. Karan Singh Bhati S/o Shri Mahaveer Singh R/o Plot No.7B Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
9. Smt. Usha Sahu W/o Shri Rambabu R/o Plot No.3 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
10. Ramesh Chand Swami S/o Shri Radhakishan R/o Plot No.128A Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
11. Smt. Madhu Sharma W/o Shri Yogesh Kumar R/o Plot No. 60 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
12. Subhash Chand Choudhary S/o Shri Pratap Singh R/o Plot No. 130 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
13. Satish Kumar S/o Shri Ramesh Chand R/o Plot No. 3A Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
14. Smt Bhonri Devi w/o Shri Revadram R/o Plot No. 76 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur





15. Hemraj Choudhry S/o Shri Kailash Chand R/o Plot No.7C Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
16. Ramraj Choudhary S/o Shri Kailash Chand R/o Plot No.7C Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
17. Radheshyam Chaturvedi S/o Shri Prabhulal R/o Plot No. 58 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
18. Smt Suman Sharma W/o Shri Pawan Sharma R/o Plot No. 83A Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
19. Smt. Manisha Sharma W/o Shri Ramkishore R/o Plot No.83B Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
20. Devendra Kumar Sharma S/o Shri Badrinarayan Sharma, R/o Plot No.10A Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
21. Laxminarayan S/o Shri Todilal R/o Plot No.62 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
22. Vishnu Agarwal S/o Shri Ramesh Chand R/o Plot No.10 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
23. Smt. Suraj Sharma W/o Shri Sitaram R/o Plot No.61A Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
24. Smt. Narayani Devi W/o Shri Horilal R/o Plot No.56 Mansagar Colony, Budhsinghpura, Sanganer, Jaipur
25. Damodar Prasad Sharma S/o Shri Brijmohan Sharma R/o Plot No.84 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
26. Ramavtar Dinkar S/o Shri B.D. Dinkar R/o Plot No.9 Shiyaram Nagar, Budhsinghpura, Sanganer, Jaipur
27. Sitaram Meena S/o Shri Bhurji Meena R/o Katariyon Ki Dhani, Village Khokhavas, Sanganer, Jaipur
28. Lokesh Kumar Saini S/o Shri Jagdish Prasad Saini, Aged About 40 Years, R/o Plot No.265/99 Pratap Nagar, Sanganer Jaipur
29. Smt. Vimla Devi W/o Shri Gordhanlal Sharma, Aged About 40 years, R/o Gram Manpur Nagalia Tehsil Sanganer, Jaipur
30. Laxman Sharma S/o Shri Radheshyam R/o Village Syopur, Tehsil Sanganer Jaipur
31. Radheshyam Meena S/o Shri Bhoorji R/o Village Khokhavas, Tehsil Sanganer, Jaipur





32. Mahadev S/o Shri Bhonri Lal R/o 145, Raghunathpuri, II-B Vistar, Near Sanganer Airport, Jaipur

33. Babu Lal S/o Shri Bhonri Lal Meena, R/o 144, Baghunathpuri, II-B Vistar, Near Sanganer Airport, Jaipur

34. Mohan Lal Son Of Shri Mangla Ram R/o 147, Raghunathpuri, II-B Vistar, Near Sanganer Airport, Jaipur

35. Kalu Ram Son Of Shri Mangla Ram R/o 147, Raghunathpuri, II-B Vistar, Near Sanganer Airport, Jaipur

36. Raju Son Of Shri Mangla Ram R/o 147, Raghunathpuri, II-B Vistar, Near Sanganer Airport, Jaipur

37. Ramji Lal Son Of Shri Mangla Ram R/o 147, Raghunathpuri, II-B Vistar, Near Sanganer Airport, Jaipur

38. Laxmi Narayan S/o Shri Panchu Ram Meena, R/o 146, Raghunathpuri, II-B Vistar, Near Sanganer Airport, Jaipur

39. Badri Narayan S/o Shri Panchu Ram Meena, R/o 146, Raghunathpuri, II-B Vistar, Near Sanganer Airport, Jaipur

40. Babu Lal Meena S/o Shri Radheshyam, R/o Plot No.33, Kesar Vihar, Khokhawas, Sanganer, Jaipur

41. Smt. Mangi Devi W/o Shri Babu Lal R/o Plot No.31 & 36, Kesar Vihar, Khokhawas, Sanganer, Jaipur

42. Radheshyam Meena S/o Shri Bhoorji Meena R/o Plot No.28, Kesar Vihar, Khokhawas, Sanganer, Jaipur

43. Sitaram Meena S/o Shri Bhoorji Meena R/o Plot No.29 & 34, Kesar Vihar, Khokhawas, Sanganer, Jaipur

44. Amit Meena S/o Shri Mangal Ram R/o Plot No.32, Kesar Vihar, Khokhawas, Sanganer, Jaipur

45. Laxmi Naraian S/o Shri Chhotee Lal R/o Gayatri Nagar II, Near Choudhry Petrol Pump, Tonk Road, Jaipur

46. Gulab S/o Shri Chhotee Lal R/o Gayatri Nagar II, Near Choudhry Petrol Pump, Tonk Road, Jaipur

47. Kailashi D/o Shri Chhotee Lal R/o Gayatri Nagar II, Near Choudhry Petrol Pump, Tonk Road, Jaipur

48. Harinarain S/o Shri Chhotee Lal R/o Gayatri Nagar II, Near Choudhry Petrol Pump, Tonk Road, Jaipur

49. Shakuntala Devi D/o Shri Bane Singh Yadav, W/o Shri Nand





Kishore Yadav, R/o 59, Manasagar Colony, Budhsinghpura, Pratap nagar, Sanganer, Jaipur.

50. Shanti Devi W/o Shri Phelliram Meena, R/o 58, Manasagar Colony, Budhsinghpura, Pratap Nagar, Sanganer, Jaipur

51. Shri Harsh Narayan Meena S/o Kalyan Sahai R/o 53-A Manasagar Colony, Budhsinghpura, Pratap Nagar, Sanganer, Jaipur

52. Suresh Kumar Meena S/o Shri Har Sahai Meena, R/o 53-B, Manasagar Colony, Budhsinghpura, Pratap nagar, Sanganer, Jaipur

53. Ashok Kumar Khandelwal S/o Shri Kanhiya Lal, R/o 83, Siyaram Nagar, Budhsinghpura, Pratap Nagar, Sanganer, Jaipur

54. Smt. Dhanna Devi W/o Shri Damodar Prasad Sharma, R/o 85, Siyaram Nagar, Budhsinghpura, Pratap Nagar, Sanganer, Jaipur

55. Rajendra Prasad Sharma S/o Shri Om Prakash Sharma, R/o P.No.74, Siyaram Nagar, Budhsinghpura, Pratap Nagar, Sanganer, Jaipur

56. Har Dayal Sharma S/o Shri Om Prakash Sharma, R/o Plot No. 75, Siyaram Nagar, Budhsinghpura, Pratap Nagar, Sanganer, Jaipur

57. Nathu Singh S/o Shri Ram Chandra Singh, R/o Plot No. 73-B, Siyaram Nagar, Budhsinghpura, Pratap Nagar, Sanganer, Jaipur

58. Smt. Santosh Kanwar W/o Shri Bhagwan Singh, R/o 55, Man Sagar Colony, Budhsinghpura, Pratap Nagar, Sanganer, Jaipur

59. Pushpa Yadav W/o Shri Krishan Kumar resident of Plot No.114A, 114B, 109, Siyaram Nagar, Tehsil Sanganer, District Jaipur

60. Ajay Singh Son of Shri Roop Singh, Resident of 110, Siyaram Nagar, Tehsil Sanganer, District Jaipur

61. Prithvi Raj Meena, S/o Shri Hari Narayan Meena, Aged About 48 years, Gokul Vihar, Pratap Nagar, Sanganer, Jaipur

62. Dinesh Chand Sharma Son of Shri Harishankar Sharma, Aged About 55 years, Resident of 41, Siyaram Nagar, Near Sector 7, Pratap Nagar, Jaipur





63. Smt. Patasi Devi Wife of Shri Ram Kaumar Singh resident of Plot No. 70, Mansagar Colony, Near Sector 64, Pratap Nagar, Jaipur

64. Vijay Shankar Sharma Son Of Shri Shri Satya Narayan Sharma, Resident Of Plot No.73, Mansagar Colony, Near Sector 64, Pratap Nagar, Jaipur

65. Balbhadra Kumar Dikshit Son of Shri Kanhaiya Lal Dikshit, Resident of Plot No. 84, Mansagar Colony, Near Sector 64, Pratap Nagar, Jaipur

66. Kamlesh Kumar Son of Shri Ramniwas Resident of Plot No.72, Mansagar Colony, Near Sector 64, Pratap Nagar, Jaipur

67. Pratap Nagar Resident's Welfare Society, 6 & 7, Pratap Nagar, Jaipur Through His Patrons Mangi Lal Ojha S/o Late Shri Bajrang Lal, Aged About 78 years, R/o 70/6, Pratap Nagar, Sanganer, Jaipur

68. Ramshai Meena S/o Shri Rodu Meena, Resident of Dheerawto Ki Dhani, Khokhawas, Sanganer, District Jaipur

69. Narain Meena S/o Shri Rodu Meena, Resident of Dheerawto Ki Dhani, Khokhawas, Sanganer, District Jaipur

70. Dhanna Lal Meena S/o Shri Rodu Meena, Resident of Dheerawto Ki Dhani, Khokhawas, Sanganer, District Jaipur

71. Prahlad Meena S/o Late Shri Chanda Lal, Resident of Dheerawto Ki Dhani, Khokhawas, Sanganer, District Jaipur

72. Ramesh Meena S/o Late Shri Chanda Lal, Resident of Dheerawto Ki Dhani, Khokhawas, Sanganer, District Jaipur

73. Suresh Meena S/o Late Shri Chanda Lal, Resident of Dheerawto Ki Dhani, Khokhawas, Sanganer, District Jaipur

74. Smt. Naraini Devi W/o Late Shri Chanda Lal, Resident of Resident of Dheerawto Ki Dhani, Khokhawas, Sanganer, District Jaipur

75. Hemraj Choudhary S/o Shri Kailash Choudhary, Resident of Plot No.7 C, Siyaram Nagar, Near Housing Board, Syopur, Sanganer, Jaipur (Raj.)

76. Ravindra Nath Mishra, Son of Shri Ram Singh Sharma, Resident of Plot No.2, Mansagar Colony, Near Pratap Nagar,





Sector 6, Jaipur

77. Mukesh Kumar Sharma Son of Shri Ram Prakash Sharma, Resident of Plot No.19-E, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

78. Rinku Devi Jangir Wife of Shri Radhe Shyam Jangir Resident of Plot No.68-A, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

79. Indra Kumar Mathuriya Son of Shri Laxmi Narayan, Resident of Shop No.12, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

80. Ram Lal Seni Son of Shri Damodar Lal Saini, Resident of Shop No.1 and 2, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

81. Shakti Singh Son of Bhagwan Singh Ji, Resident of Plot No.72, Siyaram Nagar, Near Pratap Nagar, Sector 6, Jaipur

82. Suhanta Yadav Wife of Shri Pradeep Kumar Yadav, Resident of Plot No.5 & 16, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

83. Ramesh Chand Sharma Son Of Shri Kanhaya Lal Sharma, Resident of Plot No.8, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

84. Kishori Devi Wife of Shri Ramesh Chand Soni, Resident of Plot No.3, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

85. Meera Kumri Daughter of Shri Sher Singh Resident of Plot No.5-A, Mansagar, Near Pratap Nagar, Sector 6, Jaipur

86. Ashok Kumar Jain Son of Shri Prem Chand Jain, Resident of Shop No.8 and 9, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

87. Bhagwan Sahai Indoriya Son of Late Shri Roop Narain Indoriya, Resident of Plot No.8, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

88. Smt. Gulab Devi Daughter of Choti Lal, Resident of Plot No.20, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

89. Suresh Meena Son of Shri Harsh Narain Meena, Resident of Shop No.4, Mansagar Colony, Near Pratap Nagar, Sector 6,





Jaipur

90. Brajesh Kumar Muthuriya Son of Laxmi Narain, Resident of Shop No.11, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

91. Smt. Shanti Devi Wife of Shri Ram Nagarin, Resident of Plot No.42, Mansagar Colony, Near Pratap Nagar Sector 6, Jaipur

92. Smt. Krishna Devi Wife of Shankar Lal, Shop No.2, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

93. Smt. Ganga Devi Wife of Shri Tej Pal Singh Choudhary, Resident of Plot No.14, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

94. Smt. Nathi Devi Daughter of Shri Mohan Lal Sharma, Resident of Plot No.13 A, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

95. Smt. Phool Bai Yadav Wife of Shri Hawa Singh Yadav, Resident of Plot No.16 A, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

96. Shri Shankar Lal Son of Shri Kalyan Sahai, Resident of Plot No.21, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

97. Smt. Sita Devi Wife of Shri Ramesh Chand Saini, Plot No.21, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

98. Smt. Saroj Joshi Wife of Shri Chandrabhan Joshi, Resident of Plot No.9, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

99. Smt. Aradhna Devi Wife of Shri Suresh Kumar, Resident of Plot No.67, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

100. Smt. Phool Bie Yadav, Wife of Hawa Singh Yadav, Resident of Plot No.16 A, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

101. Smt. Sita Deevi Wife of Shri Rakesh Saini, Resident of Plot No.21, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

102. Smt. Sankar Lal Son of Shri Kalyan Sahai, Resident of Plot No.21, Mansagar Colony, Near Pratap Nagar, Sector 6, Jaipur

103. Jaipur Nagar Nigam, Lal Kothi, Jaipur Through Its Chief Executive Officer

104. Smt. Biradi Devi Wife of Late Shri Jagdish Prasad, Aged





About 54 Years, Resident Of Gurjro Ki Dhani, Bharatri Ki Bagichi,  
Village Shyopur, Tehsil Sanganer, District Jaipur

105. Ramsawroop Son of Late Shri Jagdish Prasad, Aged About  
32 Years, Resident Of Gurjro Ki Dhani, Bharatri Ki Bagichi,  
Village Shyopur, Tehsil Sanganer, District Jaipur.

-----Respondents

Connected With

D.B. Civil Writ Petition No. 9115/2025

1. Shakti Singh Chouhan S/o Shri Bhagwat Singh Chouhan,  
Aged About 66 Years, R/o Plot No. 92, Siyaram Nagar, Near  
Sector 63, Pratap Nagar, Jaipur, Rajasthan.
2. Ramdev Bairwa S/o Shri Madho Lal Bairwa, Aged About 44  
Years, R/o House No. 21-B, Mansagar Colony, Near Sector  
63, Pratap Nagar, Sanganer, Jaipur, Rajasthan.
3. Rinku Devi Jangid W/o Shri Radheyshyam Jangid, Aged  
About 48 Years, R/o 68-A, Mansagar Colony, Sanganer,  
Pratap Nagar, Jaipur, Rajasthan.
4. Smt. Saroj Joshi W/o Shri Chandarbhan Joshi, Aged About  
55 Years, R/o Plot No.9, Mansagar Colony, Pratap Nagar,  
Sanganer, Jaipur, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Principle Secretary Urban  
Development And Housing Department, Government  
Secretariat, Jaipur, Rajasthan.
2. Jaipur Development Authority, Through Its Secretary, Ram  
Kishor Vyas Bhawan, Indra Circle, Jawahar Lal Nehru Marg,  
Rambagh, Jaipur, Rajasthan 302004
3. The Rajasthan Housing Board, Through Its Commissioner,  
Awasthi Bhawan, Jan Path, Jyothi Nagar, Lalkothi, Jaipur,  
Rajasthan 302005.

-----Respondents

D.B. Civil Contempt Petition No. 1140/2016

Pushpa Yadav W/o Krishna Kumar Yadav Resident of Plot No.  
109, 114-A, 114-B, Siyaram Nagar, Tehsil Sanganer, Jaipur

-----Petitioner

Versus

1. Pawan Arora, Secretary, Jaipur Development Authority,





Jawahar Lal Nehru Marg, Jaipur Raj.

2. Surendra Singh (ATP), Jaipur Development Authority Zone-9, JDA, Jawahar Lal Nehru Marg, Jaipur Raj.
3. Madhusudan Paliwal, Deputy Commissioner, Zone-9, JDA, Jawahar Lal Nehru Marg Jaipur Rajasthan

-----Respondents

For Petitioner(s) : Mr. M.M. Ranjan, Sr. Adv. assisted by Mr. Daulat Sharma, Adv. and Mr. Samar Pratap Singh Naruka, Adv. Mr. Sandeep Mathur, Adv. with Mr. Kapil Sharma Mr. Himanshu Jain, Adv. with Mr. Rishi Raj Maheshwari, Adv. Ms. Apoorva Agarwal, Adv. Mr. Avinash Bhardwaj, Adv. Mr. Jatin Sharma, Adv. Mr. Divyansh Choudhary, Adv. Mr. Yashraj Kumawat, Adv.

For Respondent(s) : Mr. Ajeet Bhandari, Sr. Adv. Assisted by Mr. Abhishek Bhandari, Adv. Mr. Jai Sharma, Adv. Mr. Anil Mehta, Sr. Adv. assisted by Mr. Ranvijay Singh, Adv. Mr. Amit Kuri, Adv. with Mr. Dharma Ram, Adv. Mr. Vigyan Shah, AAG assisted by Mr. Sankalp Vijay, Adv. Mr. Yash Joshi, Adv. Mr. Priyam Agarwal, Adv. Mr. Deepak Mittal, Adv. Ms. Ritika Naruka, Adv. Ms. Tanvisha Pant, Adv. Ms. Monisha Agarwal, Adv. Mr. Hamir Singh Shekhawat, Adv. and Mr. Tanishq Aditya Parmar, Adv. for Mr. S.S. Naruka, AAG Mr. Shantanu Gupta, Adv. with Ms. Harshita Nehra, Adv. Mr. Prahlad Sharma, Adv. Mr. Ashok Sharma, Adv. Mr. Nalin G. Narain, Adv. with Mr. Manish Bhardwaj, Adv. Mr. Shreyansh Jain, Adv. Ms. Anudyuti Maitra, Adv. Mr. Nishant Jain, Secretary, JDA Ms. Taramati Vaishnav, Deputy Commissioner Zone-9, JDA



**HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA**

**HON'BLE MR. JUSTICE SANJEET PUROHIT**

**Judgment**

**PRONOUNCED ON : 13/10/2025**

**REPORTABLE**

**(Per Hon'ble the Acting Chief Justice)**

1. The residents of Pratap Nagar and adjacent colonies, which are housing colonies situated at Sanganer, Jaipur, after forming a society, preferred D.B. Civil Writ (PIL) Petition No.18006/2012 in the interest of its residents. It is stated that as per the Master Plan for Pratap Nagar Housing Board Scheme, there is a provision of 100 ft. wide road connecting the road adjacent to Sanganer Airport (Jaipur International Airport) to Haldi Ghati Road. The road was provided to reduce the traffic burden of main Tonk Road, but on account of several encroachments and unauthorized constructions in the area, marked as 'A' to 'C' in Master Plan (Annexure-22), the road is not being constructed and at several places encroachments have been made on the road itself, resulting in the road having been reduced from its original width of 100 feet. The road was to be jointly constructed and maintained by the Jaipur Development Authority (for short, JDA) and the Rajasthan Housing Board (for brevity, RHB).

2. The D.B. Civil Writ Petition (PIL) No.18006/2012 has been filed by the petitioners with the following prayers:

*"i) to direct the respondents to remove unauthorized constructions and encroachment made over the area from mark 'A' to mark 'C' of Annexure-22 which are coming in the way of construction of 100 feet wide road.*

*ii) to direct the respondents to construct 100 feet wide road from mark 'A' to 'C' of Annexure-22 to give the residents of the Colony and other citizens and easy access to go to Pratap*





*Nagar Rajasthan Housing Board Colony and the adjacent Colony instead of going from the heavily crowded road.*

*iii) to direct the respondents not to regularize the unauthorized constructions made over part 'A' to 'C' of Annexure-22.*

*iv) Any other order or relief which your Lordships deem proper under the facts and circumstances of the case may also be passed in favour of the petitioner."*

3. It is stated that several representations had been given to various authorities and even the media reported several news relating to encroachments being done on the road area. It is stated that the Rajasthan Human Rights Commission also took up the issue relating to problems being faced by the residents and the Chief Estate Officer had also taken up the issue with RHB, but the road could not be constructed as per the Master Plan depriving the residents to have an easy access to Sanganer Airport Road and Haldi Ghati Road, instead were compelled to use the main Jaipur-Tonk-Kota Highway.

4. As per the sector plan of Pratap Nagar Housing Board Scheme (Annexure-22), there was a provision of 100 Feet wide road connecting Sanganer Airport (Near Cheelgadi Restaurant) to Haldi Ghati Road. It was going through Sectors 6 and 7 of Pratap Nagar Housing Board Scheme. Existence of this road is also evident from the map of Pratap Nagar Housing Board Scheme Annexure-32 and map of Sector 7, Pratap Nagar Housing Board Scheme Annexure-33.

5. For constructing of the road, land was acquired by the RHB in the year 1988 and possession of the land was taken by the RHB on 19.08.1989. The acquisition proceedings were challenged before this Court by khatedars of the land and housing societies in

**S.B. Civil Writ Petition No.1163/1993: Badri Lal and Anr.**





**Vs. The State of Rajasthan and Ors.** The High Court noticed as under:

*"By this writ petition the notification under Sec.4 and declaration under Sec.6 of the Land Acquisition Act have been challenged. This matter pertains to the acquisition of the land of the petitioner for which the notification under Sec.4 was issued on 7.3.88. The declaration under Sec.6 was issued on 4.11.1988. The power under Sec.17(4) was also exercised in the said notification. The submission of the learned counsel for the respondents is that physical possession has also been taken on 19.8.89 and that notice under Sec.9(3) of the Act was issued inviting the claim on 4.1.1990. The petitioner refused to accept the notice and therefore it was served by affixture of the same. The said land was acquired for the construction of 100 wide road. the petitioner filed a suit No.63/89. The injunction application was dismissed. Learned counsel for the respondents stated that the writ petition was filed in this regard by the society having No.3209/94 which was dismissed on 8.7.94.*

*I have considered over the matter. The gazette notification dated 4.11.1988 was published in the gazette on 1.6.89 and the number of khasra has been given in the said gazetted. The possession of the land has also been taken in accordance with the power under Sec.17(4). The petitioner filed a suit which was subsequently withdrawn. This shows that the petitioner had the knowledge and he has approached this court after more than three years. The delay has not explained satisfactorily.*

*Consequently, the writ petition is dismissed on the ground of laches and delay."*

The suit has also been filed earlier which is reflected in the order which too dismissed. The **S.B. Civil Writ Petition No.3209/1994: Bandhu Grah Nirman Sahkari Samiti Vs. The State of Rajasthan and Ors.** was also dismissed on 08.07.1994. Efforts of encroachment over the land were made and complaints were lodged before the JDA and the police. On 18.02.1993, a tender was passed for construction of 100 feet wide road. As far as land acquisition is concerned, an award of Rs.15,20,111.46 had also been passed on 30.05.1991. Thus it is stated that the acquisition proceedings stood completed and the land was vested with the RHB. Any allotment, if any, made over this land or any





construction made over this land is, therefore, illegal and has to be treated as in the category of illegal encroachment.

6. The master plan of Jaipur region was published in terms of decision taken by the State Government and the JDA relating to the 32 Sectors of the road Plan, with the purpose to inform the general public as to what is the width of the existing roads and what is the proposed road and what are the facilities available and would be available in future. The purpose was to inform the general public for purchasing land without being in any manner duped by the persons and to save from making illegal constructions. The road, reflected, has been marked as 'A', 'B', 'D', and 'C' in Master Plan (Annx.22), which is opening on 200ft. Airport Road on one side and on 200ft. road on the other side. The road crosses Shivpuri colony, Doctor colony, Maan Sagar colony and Parshavnath Nagar. Major portion of the road falls in RHB area and RHB boundary.

7. Notices in these cases were issued and reply has been filed on behalf of the JDA, wherein initially it was stated that the road from Sanganer Airport to Khasra boundary of JDA has been constructed by the JDA and rest part of the road pertains with RHB. It was asserted that the JDA has constructed road in 100 ft. ROW up to its jurisdiction. Rest road pertains to the boundary of RHB region where 100 feet wide road does not exist at the site in some regions. The said affidavit was filed by one Prakash Ansesh, Executive Engineer, Zone-9, JDA, Jaipur. The road is shown by naming it to Ajay Marg, which is shown as half constructed in Annexure-R1.





8. Another reply was filed by the respondent No.3- RHB through its Resident Engineer, wherein it was admitted that the road is under encroachment by Khatedars for which the Board has requested the Police Department to provide Police protection vide its letters dated 06.09.2013, 27.12.2013 and 30.12.2013. When the work was under process after removing encroachment, the Khatedars demanded remaining 3% developed plots, but the demand could not be fulfilled and the Government turned down the proposal of leaving 3% developed land and conflict has arisen. The work order was also placed on record as Annexure-R3/1, which reflected that the tender for construction of Ajay Marg Extension Road between Sector 8 and 9, Pratap Nagar, Sanganer, Jaipur had been issued.

9. On 03.08.2015, This Hon'ble Court had directed JDA and RHB to construct the road and to submit the report on next date of hearing and Commissioner, JDA was directed to submit affidavit in this regard.

10. In compliance of this order, JDA had demarcated the unauthorized constructions and accordingly report in the form of additional affidavit was submitted by the Commissioner, JDA. In the affidavit, the fact of road marked as A-B-D-C was accepted, which was 1.8 KM in length and 100 feet in width. It was also mentioned that Doctors Colony and Shivpuri Colony in that area have been approved, whereas other colonies like Vikas Nagar, Parshwanath Nagar, Raghunathpuri-II, Tirupati Balaji Nagar, Siyaram Nagar and Man Sagar are not approved. It was accepted that at present the road is varying in width of 3.75 meters to 7.5 meters in comparison to actual proposed road of 30 meter. It was





also mentioned that the road in part D-C lies in the area of RHB, which needs to be a four lane but at present is more or less kachcha road with no visible blacktop. This fact is also clear from Annexures-24 to 29 and Annexures-37 to 42. It was also accepted that land on both the sides of A-B-D was acquired by RHB.

11. In compliance of order dated 03.08.2015, JDA has started demarcation for construction of road. However some demarcations were deviated from the original alignment of the road between A to D. Hence many persons, who had already constructed their houses in the colony developed by various housing societies, had filed applications for impleading them as party in the petition. Ground of most of them was that they are affected by change of alignment by JDA. These applications were allowed and they were impleaded as party in the petition vide order dated 28.08.2015. The RHB was directed to go ahead with the demolition drive against the encroachment and unauthorized constructions. Demolition of houses of applicants, who were impleaded as parties, was stayed.

12. On 14.09.2015, an amended reply was filed by RHB by mentioning the fact that housing board colony has been transferred to Jaipur Nagar Nigam (for short, "JNN") hence it is the duty of Jaipur Nagar Nigam to construct the road.

13. On 26.10.2015, learned Advocate General was asked to put in appearance and put factual report on record. On 30.11.2015, learned Advocate General and Secretary, UDH were directed to convene a joint meeting of JDA, RHB and JNN to resolve the issue. However any change of alignment of the road was restrained. On 30.01.2016, question of change of alignment was raised and as





such the learned Advocate General was directed to submit the action plan. On 19.02.2016, the action plan was submitted by JDA according to which JDA sought 15 months' time to complete the construction of road. On 04.03.2016, action plan was submitted by the State along with proceedings of meeting dated 17.12.2015 (Annexure-43).

14. On 18.07.2016, the learned Advocate General was again directed to submit joint action plan after meeting with authorities of JDA, RHB and JNN. After that a letter dated 30.06.2016 (Annexure-44) was issued by Shri O.P. Meena, as Chairman of RHB and according to which a contrary decision was taken to that of earlier decision dated 17.12.2015 (Annexure-43).

15. The persons who were impleaded as parties in the writ petition had also submitted their separate replies. Almost all of them were residents of colonies developed by different housing societies which were not approved by JDA. In these replies, plan of 100 feet wide road between A to C (Annexure-22) was accepted but they had opposed the proposed change of alignment by JDA. Respondents No.8 to 26 had come up with a case of lapse of acquisition, however the colony on which they were residing is an unapproved colony and they are the actual encroachers over the land on which the 100 feet road was to be constructed as per original alignment. Respondents No. 28 and 29 had come up with a plea that they are having shops on the patta issued by Gram Panchayat. However they are ready to be shifted at any other place allotted by RHB. The position of these persons clearly encroaching upon the road and narrowing it at place 'C' of Annexure-22 and photographs of the same are Annexures-24, 25





and 26. At this place, the road has been narrowed down by these shops and a few religious structures by making this place a bottle neck. It is also evident from the photographs Annexures-24, 25, 26, 38, 39 and 42. For widening this place to meet 100 feet wide, the RHB or JNN are required to be directed to shift these shops and to relocate the religious structures at some nearby place so that congestion of road at this place can be resolved. Thus, it is clear that almost all the private persons who have been impleaded as party in the petition are ready for construction of road with original alignment and they are challenging the change of alignment. Construction of 100 feet wide road is also necessary because now with the proposal of Metro Project the main Tonk Road would not be a feasible approach for lacs of persons residing in the private colonies as well as housing colonies of Pratap Nagar.

16. Thereafter, the writ petition was admitted and kept for hearing. As such for quite a long period, it could not be taken up for hearing.

17. On 21.01.2025, JDA, RHB and JNN were directed to produce action plan for construction of the road. At this moment, the JDA had again come up with a change in alignment which was going over the houses of housing board colony. Hence the residents of RHB colony, who were affected, had come up for impleading them as party. On 03.02.2025, JDA had submitted action plan, however, RHB and JNN sought time for submitting action plan. On 17.03.2025, the Principal Secretary, UDH was directed to remain present in the Court as the departments working under UDH were taking different stands for construction of the road. On 19.03.2025, Principal Secretary, UDH was directed to submit





proposed alignment of the road. On 21.04.2025, the learned Additional Advocate General has sought two months' time to complete the process of construction of the road.

18. Application (I.A. No.39746/2015) filed under Order 1 Rule 10 CPC has been allowed by this Court and in the reply filed, it was stated that the father of the applicant was allotted Plot by developer Bandhu Grah Nirman Sahakari Samiti in Tirupati Balaji Nagar Residential Scheme and they have constructed houses on the said land and it was submitted that the acquisition of land by the JDA of Shivpuri colony stands lapsed in terms of Section 24 of the Right to Fair Compensation Act, 2013. However, it is stated that the respondents are always ready for construction of Ajay Marg as per the Master Plan.

19. Respondent No.5 also filed reply and stated that it had been allotted Plot No.A-78 measuring 260 square yard by Mitra Grah Nirman Sehkari Samiti. Further, the JDA has approved the maps of the residential scheme of Mitra Grah Nirman Sehkari Samiti. However, they also admitted that there is 100 feet wide road of Ajay Marg as per the Master Plan and submit that their houses will not create any obstruction in construction of 100 feet wide road, but a notice had been affixed on their house to remove encroachment. Allotment letter of Mitra Grah Nirman Sehkari Samiti and sub plan wherein JDA road has been shown 80 feet wide has been placed on record, whereas respondents themselves admitted that this road is 100 feet wide.

20. Similarly, other applications have been filed for impleadment wherein claims have been made of having purchased of plots on the road side by Bandhu Grah Nirman Sehkari Samiti, wherein





plan of the road shown is 40 feet. Some persons have also placed allotment letters of Shyampuriah Grah Nirman Shehkari Samiti, which are showing the road as 40 feet. The plans are not authenticated and are only prepared by the societies itself or the plans are apparently made without approval from the JDA, however, there are apparently pipelines laid down for water and JVVNL has also issued electricity connection to these applicants.

21. Additional affidavit is also filed on record by the Commissioner of JDA along with a map showing different alignments of existing/approved/proposed roads. It is stated that Doctors colony and Shivpuri Colony which are on the east side of Ajay Marg, 100 feet road is duly approved by the JDA, while the colonies Vikas Nagar, Parashvanath Nagar, Raghunathpuri-II, Tirupati Balaji Nagar, Siyaram Nagar and Mansagar colony have not been approved. The colonies on west side of this road would be approved after fixing the alignment by marking distance 100 feet from the line connecting 'A1', 'B1'. The affidavit states that there would be a change in alignment from blue marked portion to orange mark. So the best option available to join the points B1 to D1 and B2 to D2 shown as dotted orange line. Revised alignment was also put up before the Building Planning Committee and it is stated that NOC would be given for regularization of colonies, Parshav Nath Nagar, Ragnathpuri II and Mansagar Colony. The proposed road is shown in orange color in the map. Another preliminary objections were raised by one applicant, Sitaram Meena, regarding maintainability of the writ petition, who claims that the RHB has taken a decision to deacquire the land from its acquisition after the same was acquired vide notification dated





02.01.1983 issued under Section 4 of the Land Acquisition Act, 1894 and the award was passed on 13.12.1988 by the Land Acquisition Officer. It was stated that neither physical possession of the land was taken nor the compensation was paid. It is alleged that the Authorized Officer, Zone C-2, JDA passed an order under Section 54 of Jaipur Development Authority Act, 1982 whereby tenancy rights of the land holders were resumed and the land was vested in the JDA.

22. Several other respondents have also filed applications. Respondents No.28 and 29 have submitted that alternate way is already existing therefore, requirement on constructing the road is not necessary. Some applicants have also filed application stating that there are several houses constructed by powerful high-up persons and the JDA is not taking any further action, nor there is any compliance being made. It appears that an order was passed by this Court on 21.01.2025 and in compliance thereof, JDA prepared the action plan as under:

S.No.	Task	Duration
1.	Preparation of PT Survey Work	7 Days 01.02.25 to 07.02.25
2.	Demarcation work at site and Listing of affected houses	10 Days 08.02.25 to 16.02.25
3.	Notices to be served to affected houses/people & Disposal of objection if any	1 Month 17.02.25 to 16.03.25
4.	Estimation/Valuation of structures to be removed	1 Month 17.03.25 to 16.04.25
5.	Removal of structures coming in ROW	2 Months 17.04.25 to 16.06.25
6.	Construction of road from A to D. (JDA Area)	9 Months 17.06.25 to 16.03.26
7.	Total time required for completion of this road in	13 Months 16 days Upto 16.03.2026





	all respect	
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23. Another order was passed by this court on 19.03.2025 to which compliance report has been placed on record, wherein JDA has submitted as under:-



"4) That in compliance of the aforesaid Order, the Jaipur Development Authority from its Zone-9, got the history of Road examined and got the details of Road as shown in different Plans. The Zone-9 after doing the aforesaid got prepared the Agenda of the Road Alignment to be changed.

5) That the aforesaid Agenda after being prepared by manner of circulation for its decision was forwarded and on the same Report of Master Plan Division was gathered, which was followed by Note of BPC (LP) on which a decision was taken by BPC (LP) on 16.4.2025. Relevant part of decision of BPC (LP) is reproduced hereunder for ready reference:-

"उक्त के अतिरिक्त बिन्दु सं. ए एवं "बी" के मध्य जोनल विकास योजना में प्रस्तावित अलाईनमेंट को संशोधित करते हुए विद्यमान 30 फीट। सड़क का अलाईनमेंट के अनुसार आवासन मण्डल की योजना की सीमा के पश्चात् उक्त क्षेत्र में जविप्रा द्वारा कोई कमिटमेंट नहीं होने के क्रम में 30 मीटर मार्गाधिकार कायम करने का निर्णय लिया गया। उक्त सड़क में हो रहे अलाईनमेंट में संशोधन के क्रम में जोन उपायुक्त को प्रश्नगत प्रकरण में जविप्रा अधिनियम की धारा 25(3) हेतु नियमानुसार कार्यवाही करने हेतु निर्देशित किया गया। उक्त के अतिरिक्त प्रश्नगत प्रकरण को बीपीसी-एलपी की आगामी बैठक में पोस्ट फैक्टो अप्रूवल हेतु प्रस्तुत करने हेतु निर्देशित किया गया।"

माननीय राजस्थान उच्च न्यायालय, जयपुर द्वारा डीबी सिविल रिट पीटिसन संख्या 18006/2012 में पारित निर्णय दिनांक 19.03.2025 के क्रम में प्रश्नगत प्रकरण में हुई कार्यवाही के संबंध में जो माननीय राजस्थान उच्च न्यायालय, जयपुर में रिपोर्ट प्रेषित की जानी है। वर्तमान में बीपीसी-एलपी समिति की बैठक निकट भविष्य में नहीं होने एवं समिति के अध्यक्ष, आयुक्त महोदया द्वारा दिये गये निर्देशों के क्रम में उपरोक्त प्रकरण का एजेण्डा एवं निर्णय बीपीसी एलपी के सदस्यों से अनुमोदन एवं हस्ताक्षर हेतु प्रस्तुत है।

A copy of Matter presented by Circulation is submitted herewith and is marked as Annexure-A/1.

6) That the JDA also got the said modified alignment marked on Map and also on site after getting demarcation got planted Concrete Pillars and Boards. the JDA by getting the necessary exercise got details of the effected structures by the proposed modified Alignment. It was found that 39 Structures of unapproved Colonies, which have been raised without permission, are affected by the said alignment. A copy of Map and Copies of Photographs collectively are submitted herewith and are marked as Annexure-A/2 and Annexure-A/3, respectively.

7) That the JDA in regard to the direction imparted by the Hon'ble Court in terms of submit a report for the effective steps being implemented to check the encroachments while those are at the initial stage, under the hand of Secretary, JDA on 17.4.2025, has not just directed the Chief Controller Enforcement, JDA to check and remove the encroachment at the very initial stage, but has also ordered that if the same is not checked and removed the Officer Responsible will be casted with personal responsibility copy of UO Note dated



17.4.2025 is submitted herewith and is marked as Annexure-A/4"

24. From various compliance reports which have been filed from time to time, it is apparent that the JDA has been taking contrary stands in order to please the persons who have been from time to time influencing their decision. It is apparent that the JDA has allowed illegal encroachments and constructions on vacant Government land in spite of acquisitions having already taken place. Illegal societies have been granted advantage and knowingly they have misguided and misled general public with regard to width of the road, while in the Master Plan, the road was to be 100 feet wide. On that road itself encroachments have been made, allotting plots and to the extent that some of the colonies have been regularized by the JDA resulting in concerned residents claiming their right to continue to hold the lands. All this was done while this PIL petition was pending.

25. We find that unauthorised and illegal construction have been made over part 'A' to 'C' of Annexure- 22 with the help of JDA authorities. As is apparent from the affidavit filed by the then Commissioner JDA, Shri Shikhar Agarwal finding that there had been encroachments and alignment of the road has been changed to accommodate and suit the illegal constructions which have come up on the road site. We find that on 20.02.2017, this Court was forced to pass interim order, when it was brought to the knowledge that in spite of the case being pending, the regularization was being done by the JDA. The High Court way back on 20.02.2017 directed that no construction shall be regularized by the Competent Authority without permission of the





Court. Ultimately, this Court passed an order on 21.01.2025, directing the Secretary, JDA and the Secretary, RHB and the Commissioner, Nagar Nigam Greater, Jaipur to remain present in the Court along with the relevant record and status report with regard to the construction of road in dispute and removal of encroachments. However, it appears that the Secretary, JDA filed an affidavit while other officers sought adjournment. On 19.03.2025, the Court was informed that in a meeting held on 18.03.2025, it has been decided to realign the road by modifying the zonal plan of 2018.

26. Learned counsels appearing for the petitioners as well as the respondents have strongly opposed the realignment plan which results in changing the entire road being brought in a right angle and is only to save illegal encroachments and some properties as alleged to be owned by some influential persons. On 14.08.2025, an affidavit of the Secretary, JDA was filed in the Court with a proposed notification to be gazetted. The Court was of the view that no alignments and re-alignments of the road can be done while the case is pending before this Court and without permission of the Court, such notification would be in violation and over reaching the Court's orders and the JDA was well advised not to proceed with any notification without permission of the Court. It was in light of the fact that earlier by interim order, the Court had restrained the respondents from making any change in the alignment of the existing road. The Secretary, JDA was directed to remain present on the next date to assist with the factual aspects. The case was thereafter heard finally on 20.08.2025 and the judgment was reserved. At the time of hearing, the Secretary, JDA





and all the respective counsels who were heard, agreed that in the map which has been produced during the course of hearing, the road shown in green colour was agreeable to all and the proposed realignment of right angle was not acceptable, being a plan to disturb the approved houses and shops which were allotted in accordance with law.

27. We have also noticed that the proposed new realignment would result in uprooting all the shops and houses which were originally allotted to the developers, where as the existing alignment which has been shifted in terms of the earlier affidavit filed by the JDC dated 08.09.2015 would not affect the regularly allotted persons. The existing 100 feet road which would be built straight, connecting Tonk Road to Haldi Ghati Marg will result in removing the encroachments made on the said road during pendency of this case. If the JDA has regularized the plots on this route, the same is their own doing and the concerned owners would be entitled to receive compensation from the JDA for their action. Such compensation should be accountable to the concerned officers who took decisions while the case was pending before this Court, without seeking permission from the Court. We, therefore, approve the green colour road shown in the last map as placed before us during the course of hearing on 20.08.2025 and agreed by Shri Nishant Jain, Secretary, JDA. The said map placed by the JDA showing the approved road in green colour, is made part of this judgment for the purpose of clarity, as **Schedule-'A'**.

28. Having noticed the facts, we find that admittedly, under the Master Plan (Annx.22), a road has been reflected which has to be 100 ft. wide connecting Airport Road to Haldi Ghati Road. The road



has been shown as a State road and all the residential colonies were to be established on the side of the road. Apparently, there is no clause available under the Master plan for changing the alignment of the road.

29. We find that the JDA has contended that part of the road from Point 'A' to 'B' falls under its purview and has been partially constructed requiring widening. It has attributed the segment from point 'B' to 'D' to the RHB. This Court vide earlier orders dated 03.08.2015 and 28.08.2015 directed the RHB to demolish illegal encroachments with police assistance and proceed with the construction of the road. Once orders are passed by this Court, it is expected from the authorities to act accordingly. But, it seems that neither the JDA nor the RHB had any intention to remove the illegal encroachments and constructions. JDA, therefore, introduced a new Plan on 08.09.2015 which they were placing before the Building Plan Committee (BPC) of JDA for approval. This new Plan shifted the road slightly on the right side of the existing plan road. However, same remains the State road.

30. On 26.10.2015, this court observed as under:

*"Since the orders passed by this Court one after the other indicate that each of the authority like Rajasthan Housing Board of Jaipur Development Authority is shifting its responsibility on the other and who are ultimately assisting the State govt., looking to the nature of controversy involved in the matter and the two agencies of the state govt. have shown their inability in discharging its legal obligation, we consider appropriate to request the Advocate General to appear and assist this Court in the matter.*

*Let complete record be made available to the Advocate General who may look into the matter with the factual report of the JDA/Housing Board and assist the Court in passing further appropriate orders in the pending proceedings. Name of Advocate General Mr. NM Lodha be shown in the cause list. As regards misc. applications filed showing their apprehension regarding change of stand shown by the JDA pursuant to the*





*additional affidavit filed in compliance of the order of the Court shall be looked at later stage."*

31. On 30.11.2015, the Advocate General stated that he had examined the pleas of the RHB, whereafter this court made following observations:

*"If that being so, we consider appropriate to observe that let the Advocate General may look into the matter and to see that there should be no change in the alignment if any proposed at later stage and as per the approved plan the matter be processed and road be constructed and wherever the encroachment come forward it may be removed obviously after due compliance of law. At the same time, further consider appropriate that let the Secretary, UDH, Mr. Ashok Jain, who is present in Court, may hold a joint meeting with the senior officer of the JDA/Rajasthan Housing Board and find out a solution which which may resolve the ongoing dispute since pending for long time and causing inconvenience to a common man & let the matter be examined at their end before taken by this Court."*

32. The road was, therefore, directed to be completed so far as portion which JDA claimed to be their responsibility, i.e. road from Sanganer Airport to Khasra boundary of JDA land. This court on 30.01.2016 recognized that *"there may be grievance of individuals but the larger public interest is the need of hour and there should be a connecting road of 100 ft. wide road, as per the plan approved and that exercise has to be undertaken by the competent authority"*. It further noticed as under:

*"Since two separate agencies, working in the State i.e. JDA & Rajasthan Housing Board, were lacking coordination in execution and implementation of the approved plan for construction of 100 ft. wide road, of which we have made a detailed reference supra. At that point of time. we considered it appropriate to call upon the Advocate General & requested him to take care of the matter and assist the court.*

*Mr. N.M. Lodha. Advocate General has put in appearance and took the inputs from both the agencies i.e. JDA & RHB. He has placed before us a print of the plan which indicates both the two proposed road which was initially sanctioned and a revised approved plan with change of alignment and what is being contended before us is based on the revised plan and from*





*mark 'D' to mark 'B' upto mark 'A' in particular, Mr. Lodha, Advocate General submits that it is a land which is duly acquired and vests with the Government but the private colonizers/housing societies despite the land being vested with the Government, converted into plots and handed over to the individuals, but no right to any individual has been accrued and as long as the subject land vests with the Government, even if there is a slight change/deviation in the alignment, at least those who have unauthorizedly constructed their pucca houses over the subject land in question have no right over the said land.*

*On the other hand, applicants represented by Mr. Anil Mehta, Mr. Bipin Gupta and other counsel submit that the change of alignment, which has been proposed, has jeopardized their interest and such change of alignment is not in accordance with the relevant Rules.*

*We are not deciding the question as to what rights of the individuals are curtailed by the change of alignment at the moment but taking note of the submissions made by the Advocate General we consider it appropriate to direct him to place the plan on record and action to be taken in compliance thereof and how much time it will take to complete the process and get the 100 ft. wide road constructed which will meet two end mark 'C' & mark 'A', as per the plan made available before us and we further make it clear that if any encroachment comes in between, the competent authority is at liberty to take appropriate action but as regards the sanctioned 100 ft. approved road is concerned that has to be constructed and there should be no deviation any further to be made and it is to be effectively implemented in its true spirit."*

33. Applications for impleadment started to be filed from those who had encroached the land. The court allowed several of them in representative capacity from time to time and some applicants were allowed to argue as intervenors.

34. It is apparent that this PIL petition has been pending since 2012 and it is a malady till date, the JDA has not been able to construct 100 ft. wide road. It appears that the dispute being raised by the RHB and the JDA relating to constructions is only with the purpose to justify further encroachments. It is surprising that on 22.04.2025 again the Additional Advocate General submitted earlier plan of realignment which was restrained to be acted upon by this court on 14.08.2025 whereafter the case was





heard finally on 20.08.2025 and the Secretary, JDA was also heard in person.

35. The learned counsel for the petitioners in DB Civil Writ Petition No.9115/2025 stated at bar that if there is no change in road alignment, he has no objection and he would not press his writ petition. We, therefore, reserved the case for judgment on 20.08.2025.

36. Written submissions have also been filed which we have noted earlier.

37. We have heard the learned counsels for respective parties.

38. The Jaipur Development Authority and the Rajasthan Housing Board have been entrusted as custodians to urban planning and to develop the city in terms of final approved Master Plan. They cannot be allowed to act on the whims and fancies of officers who hold the post like Jaipur Development Authority Commissioner or on the basis of extraneous considerations and private developers. We noticed that several illegal colonies have cropped up in the vicinity of this road, some of them have been, during pendency of this case, even regularized without seeking any sanction from the court. The actions, primarily, smack of arbitrariness flouting the principles of equality enshrined under Article 14 of the Constitution. It violates the very basis of State action which has to be non-arbitrary and with a non-partisan approach. Explicit order of this court dated 30.11.2015 (supra) prohibiting realignment has been defeated by the JDA which reflects blatant disregard to judicial authority warranting strict view. Repeated realignments first to a 90 degree deviation and then to a third variant have rightly been opposed by the petitioner





in PIL Petition No.18006/2012 as well as other persons including writ petitioners in Writ Petition No.9115/2025. Bonafide purchasers who have, in good faith, invested in properties aligned with the original master plan have been seriously affected. The master plan once proposed and circulated after receiving all objections, has to be strictly followed. It creates a sense of permanency and faith of public in the State which promises to follow and develop the properties all around in accordance with said master plan. Realignment can be allowed only to the extent which is due to natural causes which may have arisen on account of natural calamities like flood, earthquake, etc. In no circumstance the State developing authorities can be allowed to divert from a master plan to benefit some private developers for profiteering purpose or under any political pressure. We may add that even judicial intervention to a finally approved master plan ought not be ordinarily allowed. It is only in rarest of rare cases that the courts would intervene and direct for revision of master plan that too in contingencies which could not have been contemplated at that relevant time when the master plan was approved.

39. From the affidavit filed by the JDA Commissioner on 08.09.2015, it is apparent that the RHB illegally issued NOCs and the JDA illegally regularized colonies on the land which was duly acquired for RHB, namely Parshavanath Nagar, Raghunathpuri-II and Mansagar colony. Such illegal regularization of plots/land cannot be allowed which stands duly acquired and compensation thereof having been already sanctioned. It cannot come within the





purview of Section 24 of the Right to Fair Compensation Act, 2013.

40. The officers would, therefore, have to be held responsible for such wrongful regularization. We are noticing that the colonies are being allowed to be developed rampantly on government lands and after they have been encroached, State development authorities later on proceeded to regularize such colonies which affected the total development. The objections being raised on behalf of the respondents No.49 to 58 in PIL Petition No.18006/2012 and by other persons, namely Suman Sharma w/o. Shri Pavan Sharma and Smt. Manisha Sharma w/o. Shri Ramkishor Gautam (Sharma), r/o. Plots No.83-A & 83-B, situated at Siyaram Nagar, Buddhsinghpura, Sanganer, Jaipur, are rejected. Similarly, for the reasons stated above, we also reject the objections raised by respondents No.62 to 66 in PIL Petition No.18006/2012. They will have to leave appropriate land for construction of the road from their plots and if their plots are coming in their way, the said plots will have to be demolished and any construction thereon will also have to be demolished. The respondents would, however, be free to claim appropriate damages from their concerned developers, societies and also from the State authorities who have accepted their conversion charges without authority of law.

41. We also notice that at the time of seeking water or electricity connection, the concerned authorities do not have sufficient material available to them to see whether the construction made by the applicants was legal or illegal. Therefore, the concerned authorities of PHED/Water Works/Electricity Departments which





issued water connection cannot be held responsible, nor the encroachers who have fraudulently obtained water or electricity connection can take advantage of such connections given to them.

42. There is another set of claimants who claim that realignment of the road should be made and to handover the properties, they are entitled to receive compensation in lieu of acquisition. We find that these set of people have made illegal encroachments, purchased properties which were already under acquisition and therefore, there can be no sympathy towards them by the court. Law has to be followed and maintained equally for all. Illegal regularization of unauthorized construction resulting in deviation of original Master Plan cannot be allowed.

43. We do not find any reason in the present case to allow the JDA or the RHB to realign or change the alignment of the original master plan road proposed to be constructed from Jaipur International Airport to Haldi Ghati Marg. Such proposals of realignment are apparently to favour law breachers, encroachers, land *Mafias* over law abiding citizens. It penalizes those who comply with the legal norms. We do not find any reason to allow changes to the original Master Plan. We are of the firm view that realignments cause chaos, disrupt planned urban growth and encourage further encroachments.

44. As observed earlier by this court, for greater good individual loss has to be kept at risk, more so, when such individuals come within the four corners of encroachers or those who have purchased properties from societies, private developers without verifying their plot sizes with respect to Master Plan. In this context, we draw inspiration from historical city planning





paradigms. The Pink City of Jaipur, meticulously planned in 1727 by Maharaja Sawai Jai Singh II under the guidance of architect Vidyadhar Bhattacharya, exemplifies grid-based urban design with wide roads and sectors for efficient traffic and aesthetics, adhering to Vastu Shastra principles. This legacy was further enhanced in the early 20th century by Sir Mirza Ismail, who served as Diwan of Jaipur and contributed to the City's modernization through infrastructure development, including roads, public buildings, and water supply systems, emphasizing sustainable urban growth. Similarly, as Diwan of Mysore, Mirza Ismail spearheaded visionary planning transforming Mysore into a model city with well-laid-out avenues, parks like the Brindavan Gardens, and industrial zones, blending tradition with modernity. His tenure as Diwan of Hyderabad saw similar efforts in urban renewal, focusing on efficient road networks and public amenities to accommodate growing populations. Lucknow's colonial-era planning under Nawab Asaf-ud-Daula and later British influences featured broad avenues and planned quarters to manage urban sprawl. These legacies remind us that city planning must be visionary, consistent, and public-oriented, not subject to ad hoc alterations that undermine long-term societal benefits.

45. In **Kaniz Ahmed Vs. Sabuddin: 2025 SCC Online SC 995** on 30 April, 2025 the Apex Court held as under:

*"7. Thus, the Courts must adopt a strict approach while dealing with cases of illegal construction and should not readily engage themselves in judicial regularisation of buildings erected without requisite permissions of the competent authority. the need for maintaining such a firm stance emanates not only from inviolable duty cast upon the Courts to uphold the rule of law, rather such judicial restraint gains more force in order to facilitate the well-being of all concerned. The law ought not to come to rescue to those who*





*flout its regours as allowing the same might result in flourishing the culture of impunity. Put otherwise, if the law were to protect the ones who endeavour to disregard it, the same would lead to undermine the deterrent effect of laws, which is the cornerstone of a just and orderly society. [See : Ashok Malhotra v. Municipal Corporation of Delhi, W.P. (c) No. 10233 of 2024 (Delhi High Court)]*

46. In **Rajendra Kumar Barjatya vs U.P. Avas Evam Vikas**

**Parishad: 2024 SCC Online SC 3767 on 17 December, 2024**

the Supreme Court opined:

*"20. In the ultimate analysis, we are of the opinion that construction(s) put up in violation of or deviation from the building plan approved by the local authority and the constructions which are audaciously put up without any building planning approval, cannot be encouraged. Each and every construction must be mode scrupulously following and strictly adhering to the Rules. In the event of any violation being brought to the notice of the Courts, it has to be curtailed with iron hands and any lenience afforded to them would amount to showing misplaced sympathy. Delay in directing rectification of illegalities, administrative failure, regulatory inefficiency, cost of construction and Investment, performing their obligation(s) under the Act, cannot be used as a shield to defend action taken against the illegal/unauthorized constructions. That apart, the State Governments often seek to enrich themselves through the process of regularisation by condoning/ratifying the violations and illegalities. The State is unmindful that this gain is insignificant compared to the long-term damage it causes to the orderly urban development and irreversible adverse impact on the environment. Hence, regularization schemes must be brought out only in exceptional circumstances and as a onetime measure for residential houses after a detailed survey and considering the nature of land, fertility, usage, impact on the environment, availability and distribution of resources, proximity to water bodies/rivers and larger public interest. Unauthorised constructions, apart from posing a threat to the life of the occupants and the citizens living nearby, also have an effect on resources like electricity, ground water and access to roads, which are primarily designed to be made available in orderly development and authorized activities. Master plan or the zonal development cannot be just individual centric but also must be devised keeping in mind the larger interest of the public and the environment. Unless the administration is streamlined and the persons entrusted with the implementation of the act are held accountable for their failure in performing statutory obligations, violations of this nature would go unchecked and become more rampant. If the officials are let scot-free, they will be emboldened and would continue to turn a nelson's eye to all the illegablities resulting*





*in derailment of all planned projects and pollution, disorderly traffic, security risks, etc."*

47. This court in **Gulab Kothari v. State of Rajasthan & Ors. Civil Writ (PIL) No.1554/2004 and other connected cases, decided on 12.01.2017**, in Para Nos.205(iii), 205(iv) and 205(ix), has held as under:

*"(iii) The sanctity of Master Development Plan or the Zonal Development Plan finally sanctioned shall be maintained and all development schemes of the various zones and the development work to be undertaken by the local authorities or private entrepreneurs or anybody else during the operative period thereof, shall conform to the land uses as specified under the Master Development Plan or Zonal Development Plan, as the case may be.*

*(v) The eco-sensitive zone/ecological zone/green area specified in the Master Development Plan once established shall not be altered or put to other uses during the operative period of the Plan and even while undertaking the revision of the Plan or preparation of the new Plan.*

*(ix) Further, the development activity within the peripheral control belt for the purposes aforesaid, shall not be permitted without assessment of environment impact and ensuring the fulfillment of requirement of the open spaces/green spaces for the existing population settled in the different zones of the city. The authorities shall be under an obligation to provide for buffer zone to ensure the availability of minimum requirement of green space/open space per city dweller. "*

48. In **E.P. Royappa v. State of Tamil Nadu (1974) 4 SCC 3**, the Apex Court held as under:

*"85.....Equality is a dynamic concept with many aspects and dimensions and it cannot be "cribbed, cabined and confined" within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary it is implicit in it that it is unequal both according to political logic and Constitutional law and is therefore violative of Article 14, and if it affects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on equivalent relevant principles applicable alike to all similarly situate and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where the operative reason for State action, as distinguished from motive inducing from the antechamber of*





*the mind, is not legitimate and relevant but is extraneous and outside the area of permissible considerations, it would amount to mala fide exercise of power and that is hit by Articles 14 and 16. Mala fide exercise of power and arbitrariness are different lethal radiations emanating from the same vice : in fact the latter comprehends the former. Both are inhibited by Articles 14 and 16. "*

49. In **Olga Tellis v. Bombay Municipal Corporation (1985)**

**3 SCC 545**, the Apex Court held as under:

*"37. Two conclusions emerge from this discussion: one, that the right to life which is conferred by Article 21 includes the right to livelihood and two, that it is established that if the petitioners are evicted from their dwellings, they will be deprived of their livelihood. But the Constitution does not put an absolute embargo on the deprivation of life or personal liberty. By Article 21, such deprivation has to be according to procedure established by law. "*

50. In **Delhi Development Authority v. Joint Action**

**Committee, Allottee of SFS Flats, (2008) 2 SCC 672**, the

Supreme Court observed as under:

*"43. We may or may not agree with the submission of learned counsel for the appellants that the right of housing arising out of such a scheme is a fundamental right within the meaning of Articles 19(1)(e) and 21 of the Constitution of India, but there cannot be any doubt whatsoever that the action of a State must satisfy the principal requirements of Article 14, viz., treating persons similarly situated equally and grant of equal protection to them. Reasonableness and fairness is the heart and soul of Article 14 of the Constitution of India. Keeping the aforementioned principles in mind, we may consider the points involved herein. "*

51. In the light of aforesaid findings and conclusions drawn and the judgments passed from time to time by the Hon'ble Supreme Court, we are of the view that the PIL Petition deserves to be allowed with the following directions:

*i. The Jaipur Development Authority (JDA) is directed to act as nodal body and construct the entire road from Jaipur International Airport to Haldi Ghati Marg as per the Master Plan, as approved hereinabove, marked as 'A' to*





'C'. The JDA would be entitled for reimbursement of funds from the Rajasthan Housing Board (RHB) and the Jaipur Municipal Corporation (JMC) for the cost incurred in construction of the road relating to their respective areas. Non availability of funds by the RHB and JMC shall not come in the way of JDA to make the complete construction of the road. It would be the responsibility of the Principal Secretary, Urban Development & Housing Department, Government of Rajasthan, to see that reimbursement of funds are made from RHB and JMC, as above. If any constructed houses or encroachments are found while making the road, the same shall be removed. No Civil Court or the Tribunal would be authorized to entertain any civil suit or appeal under the JDA Act. If there is any interim order passed by any court, the same shall stand merged with this order and shall stand vacated automatically.

ii. The JDA shall not indulge in arbitrary actions such as these realignments, which undermine public confidence and planned urban development as envisioned in the Master Plan's emphasis on efficient road networks and zoning regulations.

iii. Furthermore, immediate steps shall be taken by the JDA, in coordination with the RHB to remove all illegal encroachments on the original alignment of road, with requisite assistance from the Police Department to ensure compliance without delay, aligning with the Master Plan's





*provisions for clearing obstructions to proposed infrastructure.*

*iv. The State Government shall oversee the implementation of these directions, ensuring adherence to the Master Development Plan 2025's guidelines on road widening, land use and public transportation corridors, and submit a detailed compliance report to this court within three months from the date of this order, including progress on geotagging and execution of designated roads as per the approved sector plans.*

52. With the aforesaid directions, the DB Civil Writ (PIL) Petition No.18006/2012 is allowed. DB Civil Writ Petition No.9115/2025 and DB Civil Contempt Petition No.1140/2016 also stand disposed of in terms of above.

53. All pending applications also stand disposed of accordingly.

54. We are thankful to the learned Counsels who appeared on behalf of respective parties in these cases to assist the Court.

(SANJEET PUROHIT),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

Govind/Gaurav/192-194



