



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

D.B. Civil Writ Petition No. 916/2022

CNR: RJHC010024172022 | URN: CW / 1782U / 2022

1. Choturam S/o Narayan Ram, Aged About 58 Years, R/o Ram Sagar Bera, Daijar, Mandore Jodhpur.
2. Vinod Kumar S/o Sohan Lal, Aged About 28 Years, R/o 218 Madalnath Chouraha, Daijar, Mandore, Jodhpur.
3. Mani Ram S/o Happa Ram, Aged About 61 Years, R/o Madalnath Chouraha, Daijar, Mandore, Jodhpur.
4. Prahalad S/o Chetanram, Aged About 36 Years, R/o Madalnath Chouraha, Daijar, Mandore, Jodhpur.
5. Prema Ram S/o Hajari Ram, Aged About 61 Years, R/o Tilotiya Bera Daijar, Mandore, Jodhpur.

-----Petitioners

Versus

1. The State Of Rajasthan, Through The Secretary, Department Of Revenue, Secretariat, Jaipur.
2. The District Collector, Jodhpur.
3. Jodhpur Development Authority, Through Its Commissioner.
4. Lrs Of Late Sh. Kishan Chand, Through
- 4/1. Kailash Chand S/o Kishan Chand, Resident Of House No. 70, Nehru Park, Jodhpur.
- 4/2. Ramesh Chand S/o Kishan Chand, Resident Of House No. 70, Nehru Park, Jodhpur.
- 4/3. Rajesh Chand S/o Kishan Chand, Resident Of House No. 70, Nehru Park, Jodhpur.

-----Respondents

For Petitioner(s)	:	Mr. Muktesh Maheshwari with Mr. Gaurav Ranka
For Respondent(s)	:	Mr. N.S. Rajpurohit, AAG with Ms. Kanchan Jodha Mr. Ayush Gehlot for Mr. Rajesh Panwar, Sr. Advocate-cum- AAG Mr. O.P. Mehta Mr. Falgun Buch Mr. G.K. Chhangani Mr. Vishal Singh



HON'BLE MR. JUSTICE MUNNURI LAXMAN
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

07/09/2026

1. At the request and with the consent of learned counsel for the parties, the matter is heard for final disposal at the admission stage itself.

2. The present writ petition (PIL) has been filed seeking a direction to the respondent No. 3-Jodhpur Development Authority (for short "JDA") to adhere to the master plan for the period 2021-31, which has been approved, finalized and published.

3. The grievance of the petitioners is that although there is an approved and implemented master plan, in which a 200-ft. road was proposed from Daijar Phanta State Highway to Nagaur National Highway, certain illegal constructions are being raised in violation of the master plan. It is also their grievance that the plan which was approved before the master plan came into force, specifically contains a 200-ft. road in terms of the master plan, though the master plan was later approved. According to the petitioners, within the said 200-ft. road also there are illegal constructions. It is also their grievance that when the master plan is in operation, the respondents are duty-bound to approve any layout plans in compliance with the master plan. As the respondents are ignoring the master plan, the present writ petition has been filed.

4. The case of respondent No. 3-JDA is that it admits that there is a notified 200-ft. road in the master plan which is not in dispute and that it was only a proposal and the petitioners cannot seek



any direction to lay the 200-ft. road since it was only a proposal. It is also their case that it has not approved any layout plan after the master plan came into force in respect of the 200-ft. road. It is also submitted that there was an approved layout plan before the master plan came into force. As per the approved layout plan, a 200-ft. road was already earmarked in the layout plan.

5. The stand of the private respondents, who are before this Court through their respective counsel, is that they are the *khatedars* and developers of the land in question in respect of which the layout plan was approved prior to the master plan came into force. They are also not disputing the fact that as per the approved layout plan they have already left a 200-ft. road in compliance with the master plan, though the master plan came into force later. They also submit that there is no violation with regard to maintaining the 200-ft. road in terms of the master plan and they are duly complying with the layout plan approved in 2018.

6. Having heard learned counsel for the parties, this Court finds that though the master plan came into force in the year 2021 which is operational up to 2031, the layout plan of the private respondents was approved in 2018 and as per the approved layout plan, there is clear indication of leaving a 200-ft. road. It is also not disputed by the private respondents that they are not making any construction in the 200-ft. road earmarked as per the master plan which is approved in the layout plan of 2018. The JDA has also come up with a clear stand that they have not approved any plan ignoring the master plan. As and when any such plan is



approved, the JDA shall keep in mind the requirement of leaving a 200-ft. road as mandated under the master plan.

7. The only grievance of the respondents is that the petitioners cannot seek a direction to lay the proposed road, which would incur a financial burden on the State Government, as it would require acquisition of land to lay the road. Instead of that, they are adopting a policy whereby, keeping the master plan in mind, as and when the development is undertaken by the *khatedari* holders, tenancy holders or any interest holders of the subject land, they shall approve the layout subject to compliance with the master plan which will lessen the financial burden on the JDA.

8. The petitioners are also satisfied with the direction that if the JDA undertakes to see that no illegal construction is undertaken on the 200-ft. which is required to be left as per the layout approved in 2018. Learned counsel for the petitioner also submits that the petitioner has no grievance if the JDA undertakes to keep in mind that as and when the layout plan is approved in future, if the JDA adhered to the master plan.

9. Considering the above facts and circumstances, the present writ petition (PIL) is **disposed of** with the following directions:

- i. The respondent No. 3-Jodhpur Development Authority (JDA) is directed to see that no illegal construction is raised within 200-ft. road which is already left in the layout plan approved in 2018 in respect of the private respondents.
- ii. If any such illegal construction is raised within the above earmarked land, as indicated in the approved plan, the JDA has to take steps to remove such illegal constructions after following the due process of law.



iii. The JDA is also directed to keep in mind the master plan which is in operation from 2021 up to 2031 as and when it approves the fresh layout plans within such zone, in compliance with the master plan, including the notified 200-ft. road.

10. Pending application(s), if any, also stand disposed of.

(CHANDRA SHEKHAR SHARMA),J

(MUNNURI LAXMAN),J

15/Bhumika Pillai