

राजस्थान सरकार
नगरीय विकास विभाग

क्रमांक: प.12(103)नविवि/2004 पार्ट-IV

जयपुर, दिनांक :

1. सचिव, जयपुर विकास प्राधिकरण, जयपुर।
2. सचिव, जोधपुर विकास प्राधिकरण, जोधपुर।
3. सचिव, अजमेर विकास प्राधिकरण, अजमेर।
4. सचिव, राजस्थान आवासन मण्डल, जयपुर।
5. मुख्य नगर नियोजक, राजस्थान, जयपुर।
6. मुख्य नगर नियोजक (एनसीआर), राजस्थान, जयपुर।
7. सचिव, नगर विकास न्यास - बीकानेर/भीलवाडा/उदयपुर/अलवर/
भरतपुर/कोटा/श्रीगंगानगर/जैसलमेर/भिवाडी/आबू (सिरोही)/पाली/
सीकर/सवाईमाधोपुर/बाड़मेर/चित्तौड़गढ़
8. अध्यक्ष एवं प्रबन्ध निदेशक, जयपुर मेट्रो रेल कॉर्पोरेशन, राजस्थान, जयपुर।

विषय:-माननीय उच्च न्यायालय, जोधपुर डी. बी. सिविल रिट याचिका (पी.आई.एल.)
संख्या 1554/2004 गुलाब कोठारी बनाम राजस्थान सरकार व अन्य में पारित
निर्णय दिनांक 12.01.2017 एवं 08.08.2017 की पालना सुनिश्चित करने के
सम्बन्ध में।

महोदय,

उपरोक्त विषयान्तर्गत लेख है कि रिट याचिका डी. बी. सिविल रिट याचिका (पी.आई.एल.)
संख्या 1554/2004 गुलाब कोठारी बनाम राज्य सरकार व अन्य में दिनांक 08.08.2017 को पारित
आदेश के पैरा संख्या 14-22 निम्नानुसार है :-

“14. We have considered the rival submissions and perused the compliance reports and other material on record.

15. In the instant cases, vide order dated 12.1.17, this court categorically held that the Master Plan once prepared in accordance with the procedure laid down, the sanctity thereof has to be maintained and all improvement schemes of the various zones and the development work to be undertaken by Local Authorities or private entrepreneurs or anybody else during the operative period of the Master Plan must conform to the land use as specified under the Master Development Plan. The court held that the power to modify the Master Development Plan conferred upon the authority with the prior approval of the State Government in no manner empowers it to effect the modification of the plan in deviation of the original legislative intent underlying the enactment i.e. the planned and orderly development to subserve the larger public interest and not just to serve the interest of an individual. It was further held categorically that the power conferred upon the development authority under Section 33A of Jaipur Development Authority Act, 1982 or under subsection (2) and (3) of Section 73B of UIT Act, to compound unauthorised development must conform to the land use plan under Master Development Plan and therefore, unless and until unauthorised development sought to be compounded falls within the parameters of the modification of the Plan laid down under the relevant statute and such modification of the Plan is actually effected by following the procedure laid down, no

