

राजस्थान सरकार
नगरीय विकास विभाग

क्रमांक: प.12(103)नविवि/2004 पार्ट-IV

जयपुर, दिनांक : 26 OCT 20

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।
9. समस्त जिला कलक्टर्स (राजस्थान)।

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 14.10.2017 की पालना सुनिश्चित करने के सम्बन्ध में।

महोदय,

उपरोक्त विषयान्तर्गत निर्देशानुसार लेख है कि माननीय राजस्थान उच्च न्यायालय, जोधपुर में विचाराधीन डी. बी. सिविल रिट याचिका (पी.आई.एल.) संख्या 1554/2004 गुलाब कोठारी बनाम राज्य सरकार व अन्य में माननीय न्यायालय द्वारा दिनांक 14.10.2017 को निम्न आदेश पारित किया है :-

“Heard Mr. M.S.Singhvi, Sr.Advocate assisted by Mr.Vineet Dave, learned Amicus Curiae, Mr. Poonam Chand Bhandari, petitioner present in person and Mr. Rajesh Panwar, Additional Advocate General.

Learned Amicus Curiae has preferred two applications (APPLW No.5106/17 and APPLW No.5107/17).

Vide APPLW No. 5106/17, it is prayed that the Jaipur Development Authority, Jaipur may be directed to produce before this Court the original record originating from the applications of Mangalam Build Developers Limited as well as other applicants with respect to decision taken at Agenda No.6, 7 and Additional Agenda No.6 in the 247th meeting of Building Plan Committee

(Layout Plan) dated 29.8.17 of Jaipur Development Authority, Jaipur and further necessary orders or directions may be passed in the matter. It is further prayed that changes/ revision effected in the Master Plans during the pendency of the petition particularly after passing of the interim order dated 9.12.10 by this Court be declared illegal. Further declaration is sought in terms that permission granted in the Jaipur Region in the area marked as ecological zone/ eco- sensitive zone, are illegal. It is also prayed that approval to the industrial township schemes of Mangalam Build Developers as well as schemes of other persons as referred to in the application may not be permitted.

By way of APPLW No. 5107/17, the Amicus Curiae while referring to the commercial construction raised at Paota "C" Road and Nehru Park Road submitted that in defiance of the directions issued by this Court vide order dated 8.8.17 while the matter regarding legality of the constructions permitted as aforesaid is pending consideration before this Court, the respondents have issued yet another auction notice for auction of the commercial land at Bakhat Sagar Scheme, Near Girls School Guide Headquarter which also forms part of the public way.

That apart, vide yet another application (APPLW No. 5243/2017), learned Amicus Curiae has brought on record the Order No. प.18(25)नविवि/ सामान्य/2014पार्ट, dated 04.10.2017 and Circular No. प.2(30)नविवि/03/2016, dated 4.10.17 issued by the Joint Secretary-I, Urban Development and Housing Department and Additional Chief Secretary, Urban Development Department, Government of Rajasthan respectively.

It is noticed that the respondents had earlier taken a categorical stand before this Court that the application of the Mangalam Build Developers Limited, Jaipur was processed as per the order dated 8.2.17 issued by the Department of Urban Development and Housing, under Section 90A of the Land Revenue Act, 1956 inasmuch as the said land area in Master Development Plan of Jaipur 2025 falls in industrial land use.

