

राजस्थान सरकार
नगरीय विकास एवं आवासन विभाग

क्रमांक: प.12(103)नविवि/2004 पार्ट-1

जयपुर, दिनांक :

18 AUG 2017

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/भेवाडी/
आबू (सिरोही)/पाली/सीकर/सवाईमाधोपुर/बाड़मेर/चित्तौड़गढ़
8. महाप्रबन्धक, जयपुर मेट्रो रेल कॉर्पोरेशन, राजस्थान, जयपुर।
9. समस्त जिला कलक्टर (राजस्थान)।

विषय:-माननीय राजस्थान उच्च न्यायालय, जोधपुर द्वारा डी. बी. सिविल रिट याचिका (पी.आई.एल.) संख्या 1554/2004 गुलाब कोठारी बनाम राजस्थान सरकार व अन्य में पारित अन्तरिम आदेश दिनांक 08.08.2017 की पालना करने के संबंध 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 राजस्थान सरकार व अन्य में माननीय राजस्थान उच्च न्यायालय, जोधपुर द्वारा दिनांक 08.08.2017 को अन्तरिम आदेश पारित किया है।

माननीय राजस्थान उच्च न्यायालय द्वारा पारित अन्तरिम आदेश दिनांक 08.08.2017 का मुख्य भाग निम्न है :-

22. No compliance report has been submitted by the respondent with regard to the directions issued by this court vide directions No. (xvii), (xviii), (xxii), (xxiii) and (xxxi) either.

23. Thus, in view of the discussion above, in continuation of the directions issued vide order dated 12.1.17, we consider it appropriate to issue following further directions:-

(i) The State, Development Authorities and other Local Authorities shall take immediate steps to prepare the Zonal Development Plan/Sector Plan as mandated by the relevant statute and the Master Development Plan of various cities. In the meanwhile and until further orders, no regularisation of unauthorised possession/constructions shall be permitted unless the same conforms to the land use plan and other norms laid down under the Master Development Plan and Zonal Development Plan/Sector Plan of the concerned city.

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(ii) The implementation of the circulars dated 8.2.17 and 27.4.17 issued by the Urban Development & Housing Department, Government of Rajasthan and notification dated 18.5.17 issued by the Jaipur Development Authority, Jaipur shall remain stayed.

(iii) The Jaipur Development Authority, Jaipur is directed to produce the original record containing the decision taken to modify the Master Development Plan of Jaipur as notified vide notification dated 18.5.17 for perusal of this court on the next date of hearing.

(iv) The Development Authorities and the Local Authorities of the State are restrained from reducing the available width of the road including footpaths notwithstanding that the actual width of the road in the existing colonies at the site is more than specified under the Master Development Plan of the concerned city. No land forming part of the road/footpath existing at the site shall be auctioned or permitted to be used for commercial or any other purpose. The interim order dated 28.7.17 passed by this court in respect of the shops sought to be constructed on Nehru Park Road connecting Residency Road and Paota 'C' Road, Opposite All India Radio Station, Jodhpur, shall continue till further orders.

(v) The respondents would continue with the removal of the encroachments over the public ways and footpaths with necessary expedition keeping in view observations made in para no.17 of this order.

(vi) The District Collector of all the districts of the State of Rajasthan are directed to furnish the complete details regarding pasture land as directed by this court vide direction No. (xxviii) as contained in order dated 12.1.17 to the Principal Secretary/Secretary, Department of Revenue, within a period of one month from the date of this order and the Principal Secretary/Secretary, Department of Revenue, Government of Rajasthan in its turn shall furnish the districtwise details in consolidated form to this court before the next date of hearing. It is reiterated that unauthorised occupation of pasture land shall be removed forthwith and no unauthorised occupation over the pasture land shall be permitted to be regularised.

(vii) The original record relating to the proceedings taken for permitting the change of user of the land measuring 1222.93 hectares situated between Kho Nagoria and Goner Road, Jaipur as directed by this court vide direction No.(xxx) contained in order dated 12.1.17 shall also be kept ready for perusal of the court on the next date of hearing.

(viii) The State Government, the Development Authorities and the Local Authorities shall submit further compliance report before this court in respect of the various directions issued noticed hereinabove before the next date of hearing.

We believe that the respondents are well aware about the binding force tangibly embodied in the order passed by this court and shall make sincere efforts to comply with the same in letter and spirit. We make it clear that any further defiance of the directions issued by this court, shall be viewed seriously and dealt with sternly.

The application (APPLW No.2931/17) and the stay petition preferred by the Amicus Curiae shall stand disposed of accordingly.

List the matters on 4.10.2017."

अतः माननीय राजस्थान उच्च न्यायालय, जोधपुर द्वारा पारित अन्तरिम आदेश दिनांक 08.08.2017 की पालना सुनिश्चित कराते हुए पालना रिपोर्ट की प्रति श्री एन. एम. लोढ़ा, महाधिवक्ता महोदय, राजस्थान उच्च न्यायालय, जयपुर को भिजवाते हुए इस विभाग को भी शीघ्र भिजवाने का श्रम करें, जिससे पालना रिपोर्ट माननीय न्यायालय में समय पर प्रस्तुत की जा सकें।
कृपया इसे सर्वोच्च प्राथमिकता प्रदान करावें।

—५१—
(राजेन्द्र सिंह शेखावत)
संयुक्त शासन सचिव-प्रथम

प्रतिलिपि:- निम्न को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित है :-

1. श्री एन. एम. लोढ़ा, महाधिवक्ता महोदय, राजस्थान उच्च न्यायालय, जयपुर।
2. श्री आर. के. विजयवर्गीय, वरिष्ठ नगर नियोजक, (प्रभारी अधिकारी केस) निदेशालय, स्वायत्त शासन विभाग, जयपुर।
3. श्री राजेश पंवार, अतिरिक्त महाधिवक्ता, राजस्थान उच्च न्यायालय, जोधपुर।
4. वरिष्ठ शासन उच्च सचिव, नगरीय विकास विभाग, शासन सचिवालय, जयपुर को प्रेषित कर लेख है कि उक्त पत्र को विभागीय वेबसाईट पर अपलोड करवाने का श्रम करें।
5. गार्ड पत्रावली।
6. रक्षित पत्रावली।

(अशोक कुमार सिंह)
वरिष्ठ संयुक्त विधि परामर्शी