

**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. Civil Writ Petition No.13505/08

Bardiya Colony Vikas Samiti & Anr.

Versus

State & Ors.

DATE OF ORDER : 27/02/2009

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Anant Kasliwal, for petitioner

Mr. G.S. Bafna, AG, for State

Mr. A.K. Bhandari with]

Mr. Kinshuk Jain] for respondent Nos.5 to 7

Mr. Mahendra Goyal, for JDA

Instant petition has been filed by Vikas Samiti and by one of the office-bearers assailing decision of the Government held in its meeting on 18th June, 2008 whereby the committee took decision to allot a piece of land to such like applicants who are in business of selling eatable items in the vicinity of Ram Niwas Bagh to be more specific identified as "wonder land".

Counsel for petitioner submits that decision of the committee Ann.C dt.18th June, 2008 is in clear defiance of earlier order of Division Bench of this court while allotting land to these vendors for constructing their stall/shop at the site in question.

It appears from the record that dispute, which the petitioner has raised, has a chequered history but to clarify that respondent Nos.5-7 earlier approached this court by filing CW No.3220/07, Gopal Singh Vs. State with the grievance that they were earlier running business of selling eatable items in Ram Niwas Bagh garden, Jaipur, but they were shifted without providing any alternative site.

Despite there was an order/direction containing in S.B. Civil Review Petition No.10/96 and other petitions, Jaipur Chamber of Commerce & Industries & Anr. Vs. Ram Chandra Kasliwal & Ors., decided on 15th April, 1997. However, during pendency of Civil Writ Petition No.3220/07 preferred by such vendors for their rehabilitation, this court passed order on 10th October, 2007 directing Additional Advocate General to produce specific scheme for rehabilitation which has been prepared in terms of judgment in Ram Chandra Kasliwal Vs. The State of Rajasthan & others [RLR 1993 (1) 39] and [1997 (1) WLN 477] and in terms of directions of this court, scheme for rehabilitation was produced for perusal of this court. Taking note thereof, on 28th May, 2008, the Committee in its meeting held

on 18th June, 2008 taking note of objection raised by JDA, took its final decision to implement scheme for their rehabilitation situated at the eastern side of Albert Hall known as "wonder land" and taking note thereof, this court finally disposed of writ petition vide its judgment dt.17th July, 2008 [Ann.D].

This court put a question to counsel for petitioner that once land has been demarcated by the government for rehabilitation after adjudicating the rights of the parties what is the locus standi of the petitioner to question and how their rights are affected.

Counsel for petitioner submits that since they have earlier approached this court through PIL, certain orders were passed and scheme, which has been implemented by the government impugned in the instant petition, is in clear definance of the orders of Division Bench and so also of the order passed on review petition later on filed by the petitioners.

In opinion of this court, petitioner at one point of time filed PIL and this court took cognizance and passed orders, but finally under

order of this court scheme for rehabilitation has been prepared by the government and in the judgment [supra] this court has taken note of rehabilitation scheme and in opinion of this court, petitioners have no locus standi to question the scheme implemented by the government under the orders of this court and they have failed to establish how their legal & fundamental rights in any manner are affected.

Consequently, writ petition in absence of petitioner holds any locus standi is not maintainable and accordingly, dismissed.

[AJAY RASTOGI], J.