

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

ORDER

(1) S.B. CIVIL WRIT PETITION NO. 21359/2013
WITH

S.B. CIVIL MISC. STAY APPLICATION NO. 18358/2013

MURLI DEVI(MOOLI DEVI) VS. STATE OF RAJASTHAN & OTHERS.

WITH

(2) S.B. CIVIL WRIT PETITION NO. 8455/2013
WITH

S.B. CIVIL MISC. STAY APPLICATION NO. 6710/2013

BHOLA RAM & OTHERS VS. STATE OF RAJASTHAN & OTHERS.

WITH

(3) S.B. CIVIL WRIT PETITION NO. 8489/2013
WITH

S.B. CIVIL MISC. STAY APPLICATION NO. 6735/2013

BAJRANG LAL & OTHERS VS. STATE OF RAJASTHAN & OTHERS.

WITH

(4) S.B. CIVIL WRIT PETITION NO. 8490/2013
WITH

S.B. CIVIL MISC. STAY APPLICATION NO. 6736/2013

JITENDRA YADAV & OTHERS VS. STATE OF RAJASTHAN & OTHERS.

WITH

(5) S.B. CIVIL WRIT PETITION NO. 8491/2013
WITH

S.B. CIVIL MISC. STAY APPLICATION NO. 6737/2013

RAM KARAN YADAV VS. STATE OF RAJASTHAN & OTHERS.

WITH

(6) S.B. CIVIL WRIT PETITION NO. 8492/2013
WITH

S.B. CIVIL MISC. STAY APPLICATION NO. 6738/2013

HARPHOOI SINGH CHOURHARY & ANOTHER VS. STATE OF RAJASTHAN
& OTHERS.

WITH

(7) S.B. CIVIL WRIT PETITION NO. 21375/2013
WITH
S.B. CIVIL MISC. STAY APPLICATION NO. 18370/2013

JAGDISH CHOUDHARY & OTHERS VS. STATE OF RAJASTHAN & OTHERS.

WITH

(8) S.B. CIVIL WRIT PETITION NO. 21631/2013
WITH
S.B. CIVIL MISC. STAY APPLICATION NO. 18600/2013

KISHAN LAL MEENA & OTHERS VS. STATE OF RAJASTHAN & OTHERS.

WITH

(9) S.B. CIVIL WRIT PETITION NO. 21632/2013
WITH
S.B. CIVIL MISC. STAY APPLICATION NO. 18601/2013

SMT. MUNNI DEVI VS. STATE OF RAJASTHAN & OTHERS.

WITH

(10) S.B. CIVIL WRIT PETITION NO. 6560/2014(D)
WITH
S.B. CIVIL MISC. STAY APPLICATION NO. 5954/2014

KAILASH CHAND GUJAR & ANOTHER VS. STATE OF RAJASTHAN & OTHERS.

DATE OF ORDER : 30.06.2014

HON'BLE MR. JUSTICE MOHAMMAD RAFIQ

Mr. Sandeep Bhagwati, for the petitioners.

Mr. Shyam Arya, Additional Advocate General, for Respondent No. 1- State.

Mr. Amit Tanwani, for the Respondent No. 2-JDA.

Ms. Ritu Singh on behalf of Ms. Naina Saraf, for the Respondents No. 3 and 4-Jaipur Municipal Corporation.

BY THE COURT:

These writ petitions have been filed by the petitioners, who have been running dairies in the city of Jaipur at different places and were sought to be dislocated from Jaipur pursuant to order passed by the Hon'ble Supreme Court in the case of Jaipur Bhensh Gyai Dugdh

Samiti & Others Vs. State of Rajasthan & Others(SLP No. 23637/2007). The dispute in several writ petitions in the past has required the Jaipur Development Authority to consider the case of all such dairy operators for accommodation elsewhere.

Earlier the petitioners approached this Court by way of filing writ petitions and vide order dated 13.02.2013, this Court required the petitioners to approach the concerned Deputy Commissioner-13, Jaipur Development Authority, Jaipur by filing representation, who was required to decide their representation.

Learned counsel for the petitioners has submitted that the only reason for which the representations have been rejected by the Deputy Commissioner, Zone-13, Jaipur Development Authority, Jaipur is that on examination of the record it was found that no vacant plots were available for allotment to the petitioners either in Harchandpura Dairy Scheme at Agra Road or Ramlyawala Dairy Scheme at Sikar Road. Learned counsel for the petitioners has referred to the information supplied to one Karamveer Singh Chauhan under Right to Information Act by Deputy Commissioner, Zone 14, Jaipur Development Authority, Jaipur vide letter No. JDA/Zone-14/13/D-3215 dated 23.09.2013(Annexure-11 in S.B. Civil Writ Petition No. 21359/2013) whereby it has been informed that there were total 651 plots in Surajpura Bhatawala Scheme at Tonk Road, out of which 499 plots have been allotted to dairy operators and 152 plots are lying vacant. Learned counsel for the petitioners has also referred to information supplied to one Karamveer by Deputy Commissioner, Zone-13, Jaipur Development Authority, Jaipur vide letter No. JDA/UPA/Zone-13/2013/D-1982 dated 01.10.2013(Annexure-11 in

S.B. Civil Writ Petition No. 21375/2013) whereby it is informed that out of total 573 plots in Ramlyawala Dairy Scheme at Sikar Road, 502 plots have been allotted and 71 plots are still lying vacant. Learned counsel for the petitioners has submitted that the representations of the petitioners have thus been rejected without due application of mind and despite availability of plots, grievance of the petitioners has not been redressed.

Mr. Amit Tanwani, learned counsel appearing on behalf of the respondent No. 2-Jaipur Development Authority has contended that allotments have been made as per the list provided by Jaipur Municipal Corporation and some allotments have been made even after passing of the order dated 22.04.2013, therefore, respondent-Jaipur Development Authority may be granted some time to verify the facts averred by the petitioners.

In the rejoinder, learned counsel for the petitioners has contended that the petitioners have been regularly issued survey receipts by the Jaipur Municipal Corporation and the petitioners have paid the requisite fees also with regard thereto. They are running dairies since 2001. Number of copies of receipts have placed on record by the petitioners to substantiate the aforesaid contention.

Order dated 22.04.2013 passed by Deputy Commissioner, Zone-13, Jaipur Development Authority, Jaipur indicates that representations of the petitioners have been dismissed on the solitary ground of non-availability of plots in Harchandpura Dairy Scheme at Agra Road, Jaipur as well as Ramlyawala Dairy Scheme at Sikar Road. Deputy Commissioner, Zone 13, Jaipur Development Authority, the same officer who signed the impugned order dated 22.04.2013, has

also provided the information to one Karamveer under Right to Information Act vide letter dated 01.10.2013, which is on record as Annexure-11 in S.B. Civil Writ Petition No. 21375/2013 whereby it has been informed that there were 573 plots in Ramlyawala Dairy Scheme at Sikar Road, out of which 502 plots were allotted and there are 71 plots lying vacant. Another Deputy Commissioner, Zone 14, Jaipur Development Authority, Jaipur has, with respect to Surajpura Bhatawala Dairy Scheme, Tonk Road, informed that there were 651 plots, out of which 499 plots have been allotted and 152 plots are still lying vacant. It is surprising that when plots were available, how could the respondents cite the reason of non-availability of plots for relocation of dairy operators. More surprising fact is that the Deputy Commissioner, Zone 13, Jaipur Development Authority, Jaipur, who rejected representations vide order dated 22.04.2013, has provided the information in respect of Ramlyawala Dairy Scheme at Sikar Road under Right to Information Act to one Karamveer about availability of 71 vacant plots.

Having regard to the facts aforesaid, the Commissioner, Jaipur Development Authority, Jaipur is directed to examine the grievances of the petitioners and consider their case for relocation/rehabilitation against any vacant plot that may be available whether in Ramlyawala Dairy Scheme at Sikar Road or in Surajpura Bhatawala Dairy Scheme at Tonk Road. It goes without saying that if any of the petitioners has already been allotted any plot in any of the dairy schemes, he/she would not be entitled to second allotment in this behalf. Appropriate order with regard to grievance of the petitioners may be passed by the Commissioner, Jaipur Development

Authority now within three months from the date the petitioners approach him along with supporting documents and copy of this order.

With the aforesaid direction, all the writ petitions are disposed of.

All the stay applications also stand disposed of.

Office is directed to place a copy of this order on record of each connected writ petition.

(MOHAMMAD RAFIQ),J.

Manoj,
S.NO.133-141 & C.1.

"All corrections made in the judgment/order have been incorporated in the judgment/order being emailed."

*MANOJ NARWANI
Personal Assistant.*