

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAI PUR

SB CI VI L WRI T PETI TI ON NO. 7705/ 15.

The Shi va Cooper ative Housi ng Soci ety Lt d. –
Petitioner.

Vs.

State of Raj. & Anr. - Respondents.

DATE OF ORDER: 29th May, 2015.

PRESENT

HON'BLE MS. JUSTICE BELA M TRI VEDI

Mr. S.N. Kumawat for the petitioner.

O R D E R

1. The learned counsel Mr. S.N. Kumawat for the petitioner seeks permission to place on record the copy of the advertisement dated 18.5.15 published in local daily Dainik Bhaskar to show that the respondent-JDA has decided to hold the camps in June, 2015. The same is taken on the record.
2. The petitioner-society has filed the present petition seeking direction against the respondent-JDA, for not holding the camp as per the news clip Annex.13, considering the Scheme 6D Engineers Colony of the petitioner as the part of the Prithviraj Nagar Scheme, and further for restraining the respondents from initiating any proceedings under Section 90A(8) of the Rajasthan Land Revenue Act, 1956.
3. It is the case of the petitioner that the petitioner-society had purchased the

agricultural lands bearing various Khasra numbers situated at Village Nandkishorepur @ Manyawas, Tehsil Sanganer, District Jaipur from various Khatedars by executing the different sale-deeds. According to the petitioner, the said lands were not part of the Prithviraj Nagar Scheme. Thereafter the said lands were permitted to be converted from Green Belt to Urbanisable use by the Government on payment of conversion charges and development charges. However, the respondent JDA has issued the impugned notice dated 20.4.15 (Annex.9) calling upon the petitioner to show cause as to why action should not be taken against them under Section 90A(8) of the Land Revenue Act. It is further case of the petitioner that though the petitioner has already filed the reply to the said notice before the concerned authority of JDA, the respondent-JDA has decided to hold the camps for the regularisation of allotment in respect of the residential schemes including the scheme of the petitioner, though the land of the petitioner is not situated within the area of Prithviraj Nagar Scheme.

4. Having regard to the submissions made by the learned counsel for the petitioner and to the documents on the record, it appears that the

petitioner has challenged the impugned notice dated 20.4.15 (Annex.9) and the notification dated 21.4.15 (Annex.10) whereby the petitioner has been called upon to show cause as to why action under Section 90A(8) of the Land Revenue Act should not be taken against the petitioner. The petitioner has also filed reply dated 27.4.15 (Annex.11) in respect of the said notice and notification. However, according to the learned counsel Mr. Kumawat for the petitioner, without considering the said reply of the petitioner and without taking any decision on the said show-cause notice, the respondent-JDA has shown the scheme of the petitioner-society in the said advertisement dated 18.5.15 as if it was part of the area of the Prithviraj Nagar Scheme and has decided to hold the camp for regularisation of the allotment by applying the rates of charges equivalent to rates applicable to the Prithviraj Nagar Scheme though the said scheme is not the part of the Prithviraj Nagar Scheme.

5. In this regard it is required to be noted that since no decision has been taken on the show-cause notice Annex.9, it is directed that the concerned authority of the respondent No.2 shall first take the decision on the show-cause notice dated 20.4.15

(Annex. 9) considering the reply of the petitioner (Annex. 11) on or before 4th June, 2015 i.e. before the date scheduled for holding the camp in question.

5. With the aforesaid direction and without expressing any opinion on the merits of the case, the petition is disposed of. By this order, the stay application also stands dismissed.

(BELA M TRIVEDI) J.

MRG

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

MRG/PS

