

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

D.B. Civil Writ Petition No. 18240 / 2012

Prabudh Manch through its President Shri Krishnand Tiwari S/o Shri Ramji Lal Kulchania, aged about 43 years, resident of E-130, Shastri Nagar, Ajmer Mobile No.9828685577, 9251070400

----Petitioner

Versus

1. State of Rajasthan through its Chief Secretary, Government of Rajasthan, Secretariat, Jaipur.
2. State of Rajasthan through its Secretary U.D.H., Government of Rajasthan, Secretariat, Jaipur.
3. The Collector, Ajmer.
4. Director General, Archaeological Survey of India, Janpath, New Delhi 110 011.
5. Director, Archaeology and Museum, Rajasthan, Jaipur Albert Hall, Ram Niwas Bag, Jaipur.
6. Nagar Nigam Ajmer through its C.E.O.
7. M/s S.S. Developers, A Partnership Firm of M/s Asia Pack Ltd., Mr. Sanjeev Maloo, Smt. Shakuntala Devi Maloo and Miraj Developers Limited through Mukesh Rathi, Authorized Representative.

----Respondent

For Petitioner(s) : Mr. Rahul Tyagi on behalf of

Mr. Sunil Kumar Singh.

For Respondent(s) : Mr. R.D. Rastogi, Sr. Advocate with

Mr. C.S. Sinha.

Mr. Rishabh Sancheti.

Ms. Kriti Shekhawat on behalf of

Mr. J.M. Saxena, AAG

HON'BLE MR. JUSTICE G.K. VYAS

HON'BLE MR. JUSTICE G R MOOLCHANDANI

Judgment**30/04/2018**

The instant writ petition has been filed by the petitioner seeking following directions: -

- (a) *Respondents may be directed to allow the provisions of law pertaining to protected monuments.*
- (b) *Respondents may be directed to stop the illegal constructions in the protected area.*
- (c) *Respondents may be directed to demolish the illegal construction in the protected area.*
- (d) *Respondents may be directed to not to pass any building plan without taking note of the provisions pertaining to protected area.*
- (e) *That the respondents may kindly be directed to demolish the illegal construction with respect to the monument mentioned in para 4 (2) of the ;writ petition as the Magazine Building of Ajmer and Para 4 (5) Marble Pavilion and Balustrade on the Anasagar Bund and the Ruins of the Marble Human behind the Anasagar Bund, Ajmer.*
- (f) *Any other appropriate order or direction, which this Hon'ble Court found just and proper in the facts and circumstances of the case be passed in favour of the petitioner."*

It is assured by the learned counsel for the respondent Union of India that action has already been taken to stop illegal construction and protect the area concerned, but now the State Government is required to take action in accordance with law, therefore, the State Government may be directed to take action for the prayers made in the writ petition.

Application (IA No.52116/2017) filed by applicant- M/s S.S. Developers seeking its impleadment as party-respondent was allowed by this Court vide order dated 18.09.2017.

Mr. Rishabh Sancheti, learned counsel for the respondent No.7- M/s S.S. Developers submits that there is stay operating against the action taken by the Director General, ASI, against M/s S.S. Developers.

In view of aforesaid circumstances, the instant writ petition is disposed of with direction to the respondent State Government to take action accordance with law to stop illegal construction in the protected area and remove the encroachment as per list furnished by respondent Union of India. It is made clear that till disposal of the writ petition filed by M/s S.S. Developers before Delhi High Court, no action shall be taken against M/s S.S. Developers.

(G R MOOLCHANDANI),J.

(G.K. VYAS),J.

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