HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

S.B. Civil Writ Petition No. 15739/2021
CNR: RJHC010683982021 | URN: CW / 28761U / 2021

Ram Prasad S/o Shri Mahisukh Ram, Aged About 55 Years, By Caste Kumhar, R/o 127, Jassa Singh Main Road, Hardeep Singh Colony, Tehsil And District Sri Ganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan).
2. The Urban Improvement Trust, Sri Ganganagar Through Its Secretary.
3. The Land Acquisition Officer, UIT, Sri Ganganagar.
4. The Municipal Council, Sriganganagar Through Its Commissioner.

----Respondents

Connected With

S.B. Civil Writ Petition No. 9960/2016
CNR: RJHC010557182016 | URN: CW / 21827U / 2016

Kulchander S/o Shri Jagdish Prasad, aged about 54 years, R/o Chak 18 Chhoti, Chawla Colony, Jassa Singh Marg, Sriganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan).
2. The Urban Improvement Trust, Sri Ganganagar Through Its Secretary.
3. The Land Acquisition Officer, UIT, Sri Ganganagar.
4. The Municipal Council, Sriganganagar Through Its Commissioner.

----Respondents

S.B. Civil Writ Petition No. 9961/2016
CNR: RJHC010557172016 | URN: CW / 21828U / 2016

Premjit Gujral W/o Shri P.S. Gujral aged about 52 years, R/o Chak 1-A Choti, Chawla Colony, Jassa Singh Marg, Sriganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan).
2. The Urban Improvement Trust, Sri Ganganagar Through Its

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Secretary.

3. The Land Acquisition Officer, UIT, Sri Ganganagar.

4. The Municipal Council, Sriganganagar Through Its Commissioner.

----Respondents

S.B. Civil Writ Petition No. 10657/2016
CNR: RJHC010753372016 | URN: CW / 23562U / 2016

Satish Kumar Arora S/o Shri Ishwar Das Arora, aged about 52 years, R/o 108, Chawla Colony, Jassa Singh Marg, Sriganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan).

2. The Urban Improvement Trust, Sri Ganganagar Through Its Secretary.

3. The Land Acquisition Officer, UIT, Sri Ganganagar.

4. The Municipal Council, Sriganganagar Through Its Commissioner.

----Respondents

S.B. Civil Writ Petition No. 10666/2016
CNR: RJHC010577362016 | URN: CW / 23583U / 2016

Bhupendra Singh S/o Shri Niranjan Singh, aged about 62 years, R/o Plot No.107, Chawla Colony, Jassa Singh Marg, Sriganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan).

2. The Urban Improvement Trust, Sri Ganganagar Through Its Secretary.

3. The Land Acquisition Officer, UIT, Sri Ganganagar.

4. The Municipal Council, Sriganganagar Through Its Commissioner.

----Respondents

S.B. Civil Writ Petition No. 10667/2016
CNR: RJHC010217562016 | URN: CW / 23586U / 2016

Nand Lal S/o Shri Kalu Ram, aged about 30 years, R/o Village Nete wala, Chawla Colony, Basanti Chowk, Jassa Singh Marg, Sriganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban

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Development Department, Secretariat, Jaipur (Rajasthan).

2. The Urban Improvement Trust, Sri Ganganagar Through Its Secretary.

3. The Land Acquisition Officer, UIT, Sri Ganganagar.

4. The Municipal Council, Sriganganagar Through Its Commissioner.

----Respondents

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S.B. Civil Writ Petition No. 11121/2016
CNR: RJHC010586962016 | URN: CW / 24507U / 2016

Smt. Sunita Rani Arora W/o Late Shri Jagdish Rai Arora, aged about 55 years, R/o Basanti Chowk, Chak 1-A Chhoti, Jassa Singh Marg, Sriganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan).

2. The Urban Improvement Trust, Sri Ganganagar Through Its Secretary.

3. The Land Acquisition Officer, UIT, Sri Ganganagar.

4. The Municipal Council, Sriganganagar Through Its Commissioner.

----Respondents

S.B. Civil Writ Petition No. 14424/2016
CNR: RJHC010630332016 | URN: CW / 31645U / 2016

Preet Singh S/o Sh. S. Attar Singh, R/o 154, Chawla Colony, Near Basanti Chowk, Sri Ganganagar

----Petitioner

Versus

1. State Of Rajasthan Through The Secretary To The Urban Development Department, Secretariat, Jaipur Raj.
2. The Urban Improvement Trust, Sri Ganganagar Through Its Secretary
3. The Land Acquisition Officer, UIT, Sri Ganganagar
4. The Municipal Council, Sri Ganganagar Through Its Commissioner

----Respondents

S.B. Civil Writ Petition No. 14579/2016
CNR: RJHC010769942016 | URN: CW / 31932U / 2016

Smt. Kishna Devi W/o Shri Fateh Chand, R/o Jassa Singh Marg, Chawla Colony, Sriganganagar

----Petitioner

Versus

1. State Of Rajasthan Through The Secretary To The Urban

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Development Department, Secretariat, Jaipur Rajasthan

2. The Urban Improvement Trust, Sriganganagar Through Its Secretary
3. The Land Acquisition Officer, UIT, Sriganganagar
4. The Municipal Council, Sriganganagar Through Its Commissioner

----Respondents

S.B. Civil Writ Petition No. 15750/2021
CNR: RJHC010684012021 | URN: CW / 28785U / 2021

Shankar Lal S/o Shri Mahisukh Ram, Aged About 48 Years, By Caste Kumhar, Resident Of 126-127, Jassa Singh Main Road, Hardeep Singh Colony, Tehsil And District Sri Ganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan).
2. The Urban Improvement Trust, Sriganganagar, Through Its Secretary.
3. The Land Acquisition Officer, UIT, Sriganganagar.
4. The Municipal Council, Sriganganagar, Through Its Commissioner.

----Respondents

S.B. Civil Writ Petition No. 15836/2021
CNR: RJHC010684022021 | URN: CW / 28928U / 2021

Tara Rani W/o Sandeep Kumar, Aged About 48 Years, Chawla Colony, 3E Chhoti, Tehsil And District Sri Ganganagar.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan)
2. The Urban Improvement Trust, Sriganganagar Through Its Secretary.
3. The Land Acquisition Officer, UIT, Sriganganagar.
4. The Municipal Counicl Sriganganagar, Through The Commissioner.

----Respondents

S.B. Civil Writ Petition No. 16873/2021
CNR: RJHC010735852021 | URN: CW / 30944U / 2021

Ravindra Singh S/o Bhoop Singh, Aged About 34 Years, 27, Chawla Colony, Ward No.19, Gali No.4, Basanti Chowk, Ganganagar.

----Petitioner

Versus

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1. State Of Rajasthan, Through The Secretary To The Urban Development Department, Secretariat, Jaipur (Rajasthan)
2. The Urban Improvement Trust Sriganganagar, Through The Secretary.
3. The Land Acquisition Officer, UIT, Sriganganagar.
4. The Municipal Council Sriganganagar, Through The Commissioner.

----Respondents

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For Petitioner(s) : Mr. Manoj Bhandari, Sr. Advocate assisted by Mr. Shreyansh Bhandari with Ms. Saloni Jain

For Respondent(s) : Mr. Rajesh Panwar, AAG with Mr. Monal Chugh with Ms. Pratyksha Rajpurohit Mr. Aditya Mahecha

JUSTICE ANOOP KUMAR DHAND

Order

1.	Date of conclusion of arguments	13.08.2026
2.	Date on which the order was reserved	13.08.2026
3.	Whether the full order or only the operative part is pronounced	Full Judgment
4.	Date of pronouncement	19.08.2026

Reportable

1. All the petitioners have knocked the doors of this Court by way of filing the instant bunch of civil writ petitions seeking issuance of a writ of mandamus against the respondent - authorities, declaring their action of attempting to demolish the properties belonging to the petitioners for the purpose of widening the road, without following due process of law, as illegal, arbitrary, unjust, unconsensual and against the law and in violation of Articles 14, 21 and 300-A of the Constitution of India and also against the principles of natural justice.

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2. Since common questions of law and facts are involved in these writ petitions, with the consent of learned counsel for the parties, the matters were heard together and the same are being decided by this common order.

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3. For the sake of convenience, the facts pleaded in S.B. Civil Writ Petition No. 9961/2016 are taken into consideration.

4. The instant writ petition has been filed with the following prayer :-

> "(i) By an appropriate writ, order or direction, the impugned Notice dated 22.08.2016 (Annex-6) issued by the UIT, Sriganganagar, may kindly be declared illegal and be quashed and set aside.
> (ii) By an appropriate writ, order or direction, the respondents be restrained to take any action pursuant to the notice dated 22.08.2016 and may order to restrain itself demolish the residential premises situated at Chak 1-A Chhoti, Jassa Singh Marg, Sriganganagar in Kila No.4.
> (iii) By an appropriate writ, order or direction, it may be declared that the petitioner is having the rightful possession over the plot in question and there is no encroachments over the land in question and the respondents be retrained to take any action against the petitioner without following due process of law
> (iv) Any other appropriate order or direction which this Hon'ble Court may deem fit just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner.
> (v) Costs of the writ petition may kindly be awarded to the petitioner."

5. By way of filing the instant writ petition, a challenge has been led to the action of the respondent - authorities pursuant to the proceedings initiated by the Urban Improvement Trust, Sri Ganganagar (for short, “the UIT, Sriganganagar”), and a further

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prayer has been made for restraining the respondent - authorities from taking any action of demolishing the residential premises situated at Chak 1-A Chhoti, Jassa Singh Marg, Sriganganagar and accordingly, this Court is referring to the aforesaid prayer of the instant petition only.

6. A further prayer has also been made for declaring the petitioner as having rightful possession over the property in question and for declaring that there is no encroachment over the land in question.

7. Learned counsel for the petitioners submits that the land in question originally belonged to the erstwhile owners and was recorded in their respective names in the revenue records. Subsequently, the subject land changed hands from one person to another and finally came into possession of the petitioners on the basis of agreements to sell executed by the erstwhile owners in favour of the purchaser/subsequent owners.

8. Learned counsel submits that the petitioners are in lawful and rightful possession of the subject property. However, the respondent - authorities are bent upon dispossessing them from the said property for the purpose of construction/widening of the public road.

9. Learned counsel further submits that the subject land can only be acquired by the respondent - authorities for the aforesaid purpose, after following due process of law and, unless and until compensation is paid to the petitioners, the respondent - authorities cannot forcibly dispossess them from the subject land. In support of his submissions, learned counsel has placed reliance upon the judgment passed by the Hon'ble Supreme Court in the

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case of ***Vidya Devi Vs. State of Himachal Pradesh & Ors.,*** reported in (**2020) 2 SCC 569**.

10. Per contra, learned counsel appearing on behalf of the respondents has opposed the submissions made by learned counsel for the petitioners and submitted that the land in question belongs to the UIT, Sriganganagar on the basis of proceedings initiated under Section 90-B(1) of the Rajasthan Land Revenue Act, 1956. The petitioners have no right, title or interest whatsoever in the subject property on the basis of the aforesaid agreements to sell. Learned counsel submits that an agreement to sell is not a document conferring any right, title or interest of the property to any person and, therefore, has no legal efficacy in the eyes of law.

11. He further submits that the original allotment of the subject land was recorded in the name of the erstwhile *Khatedar* and the nature of the said land was recorded as agricultural. Subsequently, the said land was divided into multiple parts and was used for residential purposes without getting the requisite conversion procedure done. Learned counsel submits that, as per the Master Plan pertaining to the year 1981-2001, the subject land is recorded as a public road having a width of 80 feet, which is required to be constructed for the benefit of the public at large. The road has already been constructed and only about a stretch of 250 metres is remaining to be completed. However, on account of the interim order operating in the present matter, the respondents have not been able to complete the construction work of the road over the subject land. Learned counsel submits that, under these

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circumstances, no interference of this Court is warranted and the instant bunch of writ petitions is liable to be dismissed. In support of his contention, he has placed reliance on the judgment passed by the Hon'ble Apex Court in the case of **Vinod Infra Developers Ltd. vs. Mahaveer Lunia & Ors.** reported in **2025 SCC Online SC 1208**.

12. Heard and considered the submission made at the Bar and perused the material available on record.

13. The Rajasthan Urban Improvement Act, 1959 (for short, 'the Act of 1959') has been enacted with an object to promote and facilitate the improvement and expansion of the Urban areas in the State of Rajasthan. This is achieved by creating statutory bodies called Urban Improvement Trusts (for short 'UITs'), Municipalities i.e. Municipal Corporation, Council and Bodies (i.e. Local Bodies) which are entrusted with implementing town improvement schemes, town expansion schemes and providing essential services and amenities to the citizens. The Act aims to address urban development challenges by providing a framework for planned and systematic improvement of urban areas. The Act empowers UITs and other local bodies to prepare Master Plans for urban areas, as they are responsible for future development and expansion.

14. Following the provisions contained under Sections 5 and 6 of the Act of 1959, a Master Plan was prepared for the development of Sri Ganganagar for the period of 1981-2001. In the said Master Plan, the subject land was shown as a proposed public road with a width of 80 feet. When the respondents commenced construction of the road, it was found that certain encroachments existed over

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the subject land. Consequently, various notices were issued to the petitioners for removal of the alleged encroachments from the subject land.

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15. It is the case of the petitioners that they are in lawful occupation and possession of the land in question and that their claim is based upon agreements to sell and other documents executed/issued by the erstwhile owners of the subject land. It appears that the petitioners submitted their objections before the respondents, but the same were not considered and, straightaway, notices for their eviction from the subject land were issued. In counter to the aforesaid, the stand of the respondent-State is that the petitioners did not establish any lawful right over the disputed land on the basis of the documents relied upon by them, particularly the agreements to sell, and therefore, their possession over the subject land has been found to be unauthorized. It is the stand of the respondent-State that the land in question is required for the purpose of construction of a public road for the benefit of the public at large, in accordance with the Master Plan for the period of 1981-2001. The petitioners, however, dispute the claim that no opportunity of hearing was provided to them before issuance of the aforesaid notices of eviction.

16. It appears that, for widening and constructing roads in the city, as part of the development and beautification of the city area and for redressal of grievances of the general public at large such as traffic congestion, a Master Plan was prepared and the same was approved by the State wherein the expansion/widening of the roads situated over the subject land was required for the purpose of construction of 80-feet-wide road.

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17. Dispute has been raised by both the sides about construction and widening of road on the subject land. The authorities are expected to construct the road strictly, as per the approved Master Plan.

18. A Master Plan is a policy document for guiding the future development of the cities or towns in a planned manner which cannot be modified or revised and the same cannot be permitted to set at naught, at the whims and fancies of the authority concerned or anyone else just to serve the interest of the individuals. It should be implemented in larger public interest. The Division Bench of this Court at the Principal Seat at Jodhpur has held so in the case **Gulab Kothari Vs. State of Rajasthan,** reported in **2017 (1) WLC (Raj.) 562** and the paragraphs No. 87 and 205 (iv), being relevant for the present purpose, are reproduced as under:-

> "87.Thus, there cannot be any quarrel with the proposition that the Master Plan, which is a policy document for guiding the future development of the city or town in the planned manner and to arrest undesirable and unplanned growth, is not a static document, which cannot be modified or revised as and when considered necessary in the larger public interest in furtherance of planned development of the urban area in respect whereof it is made operative. But then, the Master Development Plan prepared to master the future development in the city or town democratically, after due deliberation and consideration of suggestions and objections from the public at large, cannot be permitted to be set at naught at the whim and fancy of the authority concerned just to serve the interest of individuals. Obviously, the object of the planned development shall be achieved by rigorous and successful implementation of the Master Development Plan and not by deviation therefrom with impunity.

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> 205. (iv) Once the Master Development Plan is brought into being, vigilant implementation thereof shall be the rule and any deviation therefrom an exception and therefore, the power vested with the authority or the State Government for modification thereof during its operative period shall be exercised sparingly in larger public interest, to achieve the basic object thereof i.e. planned development of the concerned region, city or town and not to subserve interest of an individual."

19. Now the question which remains for consideration of this Court is as to whether the respondent - authorities can be allowed to eject the petitioners from the subject land without affording them any opportunity of hearing ?

20. It is the case of the petitioners that they have a legal right, title and interest over the property in question and that the respondent - authorities are bent upon dispossessing them from the said property in question, without following the due process of law and without paying any amount of compensation, if the subject land is, in fact, required for the purpose of construction and widening of the public road.

21. It would be difficult for this Court to examine the case of each and every individual petitioner and come to the conclusion as to whether the petitioners are rightful occupants of their premises or not? It is a disputed question of fact which cannot be adjudicated by this Court in exercise of its writ jurisdiction contained under Article 226 of the Constitution of India.

22. The Rajasthan Municipalities Act, 2009 (for short, 'the Act of 2009') provides various provisions that prohibit encroachment on public roads and footpaths. Before taking any action, the municipal authorities are usually required to issue notice to the individuals or establishments, involved in creating the said illegal

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encroachments. It is settled proposition of law that before taking any action against any individual or establishment, due process of law is required to be followed. Due process of law means that proper notice and due opportunity of being heard must be provided to the affected parties, before any adverse action is taken against them.

23. Article 21 of the Constitution of India mandates that no person shall be deprived of his life and personal liberty except according to the procedure established by law. In the case of **Maneka Gandhi Vs. Union of India** reported in **AIR 1978 SC 597**, the Hon'ble Apex Court has expanded the scope of procedure established by law by ruling that such procedure has to be "fair", "just" and "reasonable" and not fanciful, oppressive or arbitrary, thereby introducing the principle of "procedural due process".

24. Even, in the case of Municipal Corporation, **Ludhiana Vs. Inderjeet Singh,** reported in **2008 (13) SCC 506**, the Hon'ble Apex Court has ruled that if the requirement is provided under the municipal legislation, then the said requirement must necessarily be complied with. No authority can directly proceed with an adverse action without providing notice or any opportunity of being heard to the occupant.

25. The only objection of the petitioners is that before taking adverse action, an opportunity of hearing was required to be given to them and the stand taken by them was required to be considered and in case, they have any rightful claim on the lands in dispute, then appropriate compensation be also granted to them in lieu of their lands, if required for the purpose of constructions and widening of road, as per the Master Plan.

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26. In a democratic set-up governed by the Rule of Law, the State can not deprive its citizens from their properties without following the due process of law. The Hon'ble Apex Court in the case of **State of Haryana Vs. Mukesh Kumar & Ors.** reported in **(2011) 10 SCC 404** has held that right to property is now considered to be a human right, which includes the right to shelter. Forceful dispossession of a person from his private property, without following the due process of law, was held to be violative of Article 300-A of the Constitution of India.

27. The roots of the idea of 'Rule of Law' can be seen in **Article 39 of the Magna Carta, 1215,** which that declares that no action can be taken against a person except by a lawful act or by law of the land. The Magna Carta is a landmark document in the history of human rights and the legal system. It has established that no one is above the law. It is considered as a significant step in the development of modern democracy and is seen as the foundational document for the idea of liberty and human rights. It remains a symbol of liberty and a battle against oppressions. It served as the foundation for legal and constitutional development around the whole world. The principles enshrined in Magna Carta such as Rule of Law and protection of individual's rights, continue to influence the legal system today. This civilizational journey has since then found its reflection in Article 21 of the Constitution of India which commands that no person shall be deprived of his life and personal liberty, except according to the procedure established by law.

At the same time, the Hon'ble Apex Court in the case of **Jagpal Singh and Ors. Vs. State of Punjab and Ors.,** reported

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in **2011 (11) SCC 396** has issued directions to all the State Governments of the country to prepare schemes for eviction of illegal/unauthorized occupants. These lands should be restored to the Government authorities for the use and benefit of public at large. The said scheme should provide a speedy eviction of such illegal occupants, after giving them a show cause notice and a brief hearing. The above observations of the Apex Court leave no room for doubt that removal of encroachments from all public lands is mandated by law, and appropriate actions must be taken promptly, in accordance with the due process of law.

28. In the considered opinion of this Court, the city's development and beautification efforts, as outlined in the Master Plan, should proceed without obstruction. However, it is equally essential to ensure that property owners whose assets are subject to demolition are given a fair hearing. Accordingly, a Committee is required to be constituted to examine each case and redress the grievances of the petitioners. If such a Committee comes to the conclusion that any individual is having a valid title over his/her property and still his /her property is required for construction and widening of the road, in public interest, then a decision must be taken at the appropriate level to compensate such person(s).

29. While carrying out development work for beautification of the city and expansion of roads in the larger public interest, the respondents must ensure that if trees or plants need to be removed, they first count and document the number of such affected trees and plants. Subsequently, they should plant trees ten times of the aforesaid number in the nearby public areas close to the city. This condition is imposed in greater public interest.

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Planting trees and plants, as directed above, is an initiative that this Court considers appropriate, as thriving trees, whether for decades or centuries, provide continuous and silent benefits to the city and its surrounding community. Future generations will enjoy a cleaner, fresher, and oxygen-rich environment as a result thereof.

30. In the considered opinion of this Court, it is the right time and high time that proceedings should be brought to a logical conclusion, one way or the other. The development and expansion work of roads cannot be allowed to remain stalled for indefinite period. The same is required to be done in larger public interest as earliest as possible. The respondents may proceed ahead with aforesaid purpose, after following due process of law and making compliance of the direction of this Court.

31. Considering all the facts and circumstances of the case, this Court disposes of all these writ petitions by issuing the following directions:

(a) The respondents shall constitute a committee of Higher Officials of the Department within fifteen days from today and the petitioners shall submit their representations and objections, regarding their rights and title over the premises/lands in question, to the said Committee within fifteen days thereafter.

(b) The Committee shall provide an opportunity of hearing to all the petitioners and shall decide their representations and objections strictly in accordance with law, by passing reasoned and speaking orders in each individual case.

(c) In case, the Committee comes to the conclusion that any petitioner is in possession of the premises, based on the

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documents establishing his/her valid title, and such premises are required for construction/widening of road, then adequate compensation shall be awarded to him/her, at the appropriate level, in accordance with the prevailing DLC rates and in the alternative, he/she may be allotted a piece of land as per his/her entitlement, under any applicable government scheme.

(d) In the cases, where objections are not received, the respondents shall be at liberty to proceed further in accordance with the law.

(e) Any person aggrieved by the decision of the respondents shall be at liberty to approach the appropriate forum of law for redressal of their grievance.

(f) If, during the course of expansion or construction of the road, plants or trees are required to be removed then the respondents are directed to count such trees/plants and prepare an inventory and against every single removed tree or plant, the respondents shall plant ten shady plants in the close vicinity and nearby public area and shall submit a report in this regard to this Court.

(g) After the representations and objections have been decided, the respondents shall be free to proceed with the construction of road, as per the Master Plan 1981-2001, provided that a minimum of fifteen days has elapsed, since the issuance of the respective orders on the petitioners' representations and objections.

(ANOOP KUMAR DHAND),J

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