



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR
सत्यमेव जयते

S.B. Civil Writ Petition No. 986/2024

Jaadish Chandra Aaarwal

----Petitioner

Versus

1. State of Rajasthan, through Dy. Secretary to the Government (I). Urban Development and Housing Department, Government of Rajasthan Secretariat, Jaipur.
2. The Jaipur Development Authority, Indira Circle, Jawahar Lal Nehru Marg, Jaipur through its Secretary.
3. The Deputy Commissioner (Zone-II), Jaipur Development Authority, Indira Circle, Jawahar Lal Nehru Marg, Jaipur.
4. The Director, Local Bodies, Rajasthan, Jaipur.
5. The Commissioner (Planning-II), Nagar Nigam Greater, Head Office, Lal Kothi, Jaipur.

----Respondents

For Petitioner(s) : Mr. R K Mathur, Senior Advocate
Mr. Aditya Kiran Mathur

For Respondent(s) :

HON'BLE MR. JUSTICE ANOOP KUMAR DHAND

Order

18/03/2024

Reportable

Disobedience of the Court orders strikes at the very root of the Rule of Law and the judicial orders are bound to be obeyed at all costs.

1. The instant case is a glaring example of disobedience of the orders passed by this Court and the respondents are keeping their



eyes and ears closed, in utter violation of the directions issued by this Court twice.

2. The instant writ petition has been filed by the petitioner with the following prayer:-



"It is, therefore, prayed that this petition may be allowed and

I) By issuing an appropriate writ, order or direction the grievance of the petitioner be redressed by keeping house constructed on plot No. A.24 Anita Colony, Bajaj Nagar, Jaipur out of the facility area.

II) By issuing a writ of mandamus or any other of similar nature to the respondents to keep the status of the house of the petitioner constructed on plot No. A.24 Anita Colony, Bajaj Nagar, Jaipur at par with the other houses existing in Anita Colony, Bajaj Nagar, Jaipur and not to proceed for any action.

III) By issuing an appropriate writ of mandamus or of any other of similar nature to issue Patta in the name of the petitioner in respect of plot No. A.24 Anita Colony, Bajaj Nagar, Jaipur over which the house of the petitioner has been constructed by him and residing therein since 1984.

IV) By issuing an appropriate writ of mandamus or of any other of similar nature to regularise the construction of the house on plot No. A.24 Anita Colony, Bajaj Nagar, Jaipur and not to treat such plot in facility area contrary to the plan submitted by the society before the Jaipur Development Authority.

V) This Hon'ble Court may also be pleased to pass any other and further order as may be deemed just and proper in the facts and circumstances of the case in favour of the humble petitioner."

3. By way of filing this petition, the petitioner is seeking a direction against the respondents for keeping his house out of the facility area. Counsel submits that for redressal of the same



grievance, the petitioner has twice approached this Court by way of filing two different writ petitions being S.B. Civil Writ Petition Nos.397/2008 and 1687/2018. Counsel submits that both these writ petitions were disposed of by this Court vide orders dated 08.03.2017 and 04.07.2023 respectively and on both the occasions, this Court directed the respondents to decide the representation of the petitioner. Counsel submits that in spite of passing of a considerable time, till date, the representations submitted by the petitioner, filed pursuant to the above orders passed by this Court, have not been decided by the respondents, for the reasons best known to them. Counsel submits that under these circumstances, interference of this Court is warranted.

4. Heard and considered the submissions made at Bar and perused the material available on the record.

5. This fact is not in dispute that with regard to the same grievance, the petitioner had earlier approached this Court in the year 2008 and the writ petition filed by the petitioner being S. B. Civil Writ Petition No.397/2008 was decided by this Court vide order dated 08.03.2017, with the following observations and directions:-

“By this writ petition, a direction is sought for regularisation of Plot No.A.24, Anita Colony, Bajaj Nagar, Jaipur.

Learned counsel submits that petitioner’s case was referred to the State Government but no decision has been taken on it thus a direction may be given to the State Government to decide the issue. It is moreso when matter was sent to them in the year 2006 and it is yet pending.



Learned counsel for the respondents submits that regularisation of plot is not permissible as it is in the facility area. It is also stated that if regularisation of the plot is made, it would exceed to 70% limit of residential area and thereby reducing the facility area by less than 30%. For the aforesaid reason alone, the Government has not approved the proposal sent by the Jaipur Development Authority.

I have considered the rival submissions made by learned counsel for the parties and perused the record.

The perusal of Annexure-5 shows that matter for regularisation of the plot in question was referred to the Government on 27th January, 2006. It has not yet been decided by the State Government, as stated, hence, a prayer is made to direct the State Government to take decision on it.

Accordingly, this writ petition is disposed of with a direction to the State Government to decide the matter referred to it by the JDA vide Annexure-5 and outcome of the decision be conveyed to the petitioner if it has not been decided. If issue has already been decided by the Government earlier then copy of it may be sent to the petitioner. The compliance would be made within a period of four months from the date of receipt of copy of this order. The petitioner would be at liberty to refer circular applicable on it while sending copy of this order for compliance."

6. In compliance of the aforesaid order, the petitioner submitted a detailed representation before the respondents, but the same was not decided by the respondents for a considerable time, hence, under these compelling circumstances, the petitioner approached this Court once again by way of filing another S.B. Civil Writ Petition No.16487/2018, however, the said petition was disposed of by this Court vide order dated 04.07.2023 with the following observations and directions:-

"1. The instant writ petition has been filed by the petitioner with the prayer for regularizing the Plot No.A-24 Anita Colony, Bajaj Nagar, Jaipur in favour of the petitioner.



2. In reply to the writ petition, Jaipur Development Authority (in short 'JDA') submitted that the plot in question has been declared as facility area and, therefore, no regularization can be made in favour of the petitioner, in view of the observation made by Hon'ble Division Bench in case of "**Rakesh & Ors. Vs. State of Rajasthan & Ors.**" (2011) 4 WLC Rajasthan 91.

3. After arguing at length, counsel for the petitioner made a request for withdrawal of the present writ petition with liberty to challenge the decision of the JDA declaring the plot in question as facility area.

4. Counsel for the petitioner also submits that he made a representation to the respondents-Authority and the State Government also which, ad per his knowledge, is under consideration before the State Government and also evident from the note-sheet enclosed with the rejoinder.

5. Considering the submissions of the parties and the issue involved in the writ petition, prayer of the petitioner for withdrawal of the present writ petition is accepted.

6. The present writ petition is dismissed as withdrawn with liberty to the petitioner to avail appropriate legal remedy for challenging the decision of the JDA declaring the plot in question as facility area."

7. Again in compliance of the order dated 04.07.2023 passed by this Court, the petitioner submitted a detailed representation in the office of the respondents on 17.08.2023, but in spite of passing of considerable time, till date, no heed has been paid by the respondents for making proper compliance of the order dated 04.07.2023 passed by this Court. Hence, under these compelling circumstances, the petitioner has been forced to approach this Court for the third time for the same grievance seeking similar relief.

8. It is quite shocking and surprising on the part of the respondent-State that they are always keeping their eyes and ears



closed and not paying any heed to the orders/directions issued by this Court time and again. This Court has observed on various occasions that the respondents are not taking the directions issued by this Court in a serious manner, whenever directions have been issued by this Court to decide the representation of the aggrieved person within a stipulated period and under these circumstances, the litigants are compelled and forced to approach this Court again and again for redressal of similar grievance. Hundreds of such petitions are pending before this Court, wherein directions issued by this Court have not been complied by the respondents and the representations submitted by the aggrieved persons have not been decided by the respondent-State authorities, for the reasons best known to them.

9 This Court is of the opinion that one cannot be allowed to trounce the majesty of law and pollute the streams of justice by brazenly engaging in contemptuous conduct within an aim of hoodwinking the judicial system. The edifice of the vibrant constitutional democracy rests on the pillars of Rule of Law, which needs to be preserved with the vigour to maintain sanctity of judicial proceedings.

10. In the case of **Mohd. Aslam Vs. Union of India** reported in **1994 (6) SCC 442**, Their Lordships of Hon'ble Apex Court have held that:-

"When we speak of Rule of Law as a characteristic of our country, (we mean) not only that with us no man is above the law, but (what is a different thing) that here every man, whatever be his rank or condition, is subject to the ordinary law of the realm and amenable to the jurisdiction of the ordinary tribunals. Respect for law and



its institutions is the only assurance that can hold a pluralist nation together. Any attempt to achieved solutions to controversies, however, ideologically and emotionally surcharged, not on the basis of law and through judicial institutions, but on the strength of numbers will subvert the fundamental values of our chosen political organisation. It will demolish public faith in the accepted constitutional institutions and weaken people's resolve to solve issues by peaceful means. It will destroy respect for the Rule of Law and the authority of Courts and seek to place individual authority and strength of numbers above the wisdom of land"

11. Therefore, an unbridled interference with the administration of justice and willful disregard for the judicial proceedings have to be checked on the anvil of contempt jurisprudence, lest it undermines the dignity of judiciary in the eyes of a common man.

12. An order passed, right or wrong, has to be obeyed. If the party is affected by any order, he ought to take prompt/diligent steps in resorting to further appellate or revisional proceedings in accordance with law, but in any case, he cannot ignore the order and plead difficulties in implementation of the order passed by the Court.

13. Recently, the Coordinate Bench of this Court in the case of Pawan Meena Vs. State of Rajasthan & Ors. S.B. Civil Writ Petition No.1665/2024 has taken up this issue seriously and has passed the following observations and directions:-

"It goes without saying that rendering the representations preferred by the aggrieved employees mute, by way of non-consideration by the State, is reflective of conduct unbecoming of Governemnt servants who are tasked with the noble responsibility to serve the citizens, including the State employees, and maintain their confidence in the State. By merely adjudicating upon representations, the State shall not



only lend itself a helping hand, but also extend the same courtesy to the litigants, Courts/Tribunals and also the State Exchequer, by way of reducing litigation costs.

In this regard, Chief Secretary for the State is directed to issue instructions to the State instrumentalities to consider the representations of aggrieved parties and dispose of the same by way of speaking orders, so that frivolous/uncalled for litigation is cut-down before the already exceedingly over-burdened Courts."



14. The instant case is a glaring example of high handedness on the part of the respondents where in spite of repeated directions issued by this Court, on two earlier occasions, i.e., on 08.03.2017 and 04.07.2023, the respondents are constantly keeping mum and mute and the representations submitted by the petitioner, in compliance of the above orders have not been decided by the respondents for the reasons best known to them.

15. Taking a serious note of the aforesaid aspect of the matter, this Court directs the Chief Secretary of the State to constitute a "Separate Cell" in each and every Department of the Government of Rajasthan, who would look into the matters of making compliance of the orders passed by this Court, by way of constituting separate Committees/Cells headed by the Principal Secretary of each such Department who shall ensure timely and hassle free disposal of the representations, submitted by the aggrieved persons within a period of two months from the date of receipt of such representations. This Court further directs the Chief Secretary of the State, Principal Secretary and Secretaries of all the Departments to take steps to form such "Redressal Grievance Cell" as early as possible within the period of two months. The Chief Secretary of the State is further directed to



make compliance of this order and submit a compliance report for perusal of this Court within a period of three months from today. Apart from the above, the respondents are further directed to decide the representations, filed by the petitioner, within a period of two months from today, failing which contempt proceedings would be initiated against the respondents.



16. With the aforesaid directions, the instant writ petition stands disposed of.

17. In the meanwhile, no coercive action be taken against the petitioner.

18. The Registry is directed to forward a copy of this order to the Chief Secretary of the State and to the Principal Secretary of the Department of Urban Development and Housing, for necessary compliance.

(ANOOP KUMAR DHAND),J

Aayush Sharma/37