



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**



D.B. Civil Writ Petition No. 6768/2024

1. Rohit Nayak S/o Sunil Ji, Aged About 32 Years, Resident Of Civil Airport Road, Pabupura, Tehsil And District Jodhpur.
2. Kailash S/o Narayan Giri, Aged About 25 Years, Resident Of Ward No. 42, Civil Airport Rod, Pabupura, Tehsil And District Jodhpur.

----Petitioners

Versus

1. Union Of India, Through Secretary Department Of Defence Government Of India, New Delhi.
2. General Officer Commanding-In-Chief, Indian Army, South-Western Command, Jaipur.
3. Group Captain, Operation Of Chief, Air Force Station, Ratanada, Jodhpur.
4. Jodhpur Development Authority, Through Its Secretary, Jodhpur.
5. Director Local Self, Department Of Urban Development And Housing, Government Of Rajasthan, Jaipur.
6. District Collector, Jodhpur.
7. Senior Town Planner, Town Planning Department, Jodhpur.
8. Wing Commander, Command Atc Officer, Gandhi Nagar, Gujarat.
9. Adeshwar Infra Corporation Ltd., Through Its Director, Raj Kumr Golechha, Registered Office At 46/5, Ganga Niwas Building, Police Station Rod, Pali Marwar (E-Mail Golechharealtors@gmail.com)
10. Naman Buildcon, Through Its Director Shri Saket Bansal Son Of Sk Bansal, Registered Office At A 12 Karni Nagar, Pawanpuri Bikaner.
11. M/s Paradise Villa, Through Its Partner Sohan Raj Surana, Resident Of A-45, Shastri Nagar, Jodhpur.
12. Nirmala Shekhawat W/o Pritam Singh Rathore, Resident Of Ratanada Jodhpur.
13. Pooja Chetwani W/o Ashok Chetwani, Resident Of Shiv Shakti Nagar, Pawta C-Road, Jodhpur.





14. Mahalaxmi Buildmark Realtors, Through Its Partner Rajendera Kumbat, Resident Of Bakat Sagar, Sardarpura, Jodhpur (Rajasthan).

-----Respondents

Connected With

D.B. Civil Writ Petition No. 17504/2022

1. Sachin S/o Prahalad Nayak, Aged About 22 Years, R/o.Civil Airport Road, Pabupura, Tehsil District Jodhpur.
2. Bhanwarlal S/o Kamal Kishor, Aged About 35 Years, R/o.Civil Airport Road, Pabupura, Tehsil And District Jodhpur.

-----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Home, Government Of Rajasthan, Jaipur.
2. Union Of India, Through Secretary Department Of Defence Government Of India, New Delhi.
3. Defence Estate Officer, Department Of Defence, Government Of India, Jodhpur Circle, 61 Umed Club Road, Jodhpur.
4. Group Captain, Operation Of Chief, Air Force Station, Ratanada, Jodhpur.
5. Jodhpur Development Authority, Through Its Secretary, Jodhpur.
6. Municipal Corporation Jodhpur, Through Its Commissioner, Jodhpur.
7. District Collector, Jodhpur.
8. Senior Town Planner, Town Planning Department, Jodhpur.
9. Tehsildar, Jodhpur.

-----Respondents

D.B. Writ Contempt Petition No. 1222/2023

1. Sachin S/o Prahlad Nayak, Aged About 23 Years, Resident Of Civil Airport Road, Pabupura, Tehsil And District Jodhpur.
2. Bhanwar Lal S/o Kamal Kishore, Aged About 36 Years, Resident Of Civil Airport Road, Pabupura, Tehsil And District Jodhpur.





----Petitioners

Versus

1. Shri Anand Kumar, Secretary, Department Of Home, Government Of Rajasthan, Jaipur.
2. State Of Rajasthan, Through Secretary, Department Of Home, Government Of Rajasthan, Jaipur.
3. Ms. Haritima, Secretary, Jodhpur Development Authority, Jodhpur.
4. Shri Himanshu Gupta, District Collector, Jodhpur.
5. Shri Nirbha Ram, Tehsildar, Jodhpur.
6. Mahesh Kumar Rathi S/o Shri Ramchandra Rathi, R/o Station Road, Lohawat, Phalodi, District Jodhpur.
7. Gopal Singh Bhati S/o Amar Singh Bhati, R/o 263, Ummed Heritage, Ratanada, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 17268/2023

1. Pabupura Panchayat Vikas Samiti, Jodhpur Through Its Treasurer Shri Bhanwar Lal Son Of Shri Kishan, Aged About 45 Years R/o Civil Airport Road, Pabupura, Tehsil And District Jodhpur.
2. Sarita W/o Jai Prakash, Aged About 40 Years, R/o Ward No.42, Civil Airport Road Pabupura, Tehsil And District Jodhpur.

----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Department Of Home, Government Of Rajasthan, Jaipur.
2. Union Of India, Through Secretary Department Of Defence Government Of India, New Delhi.
3. General Officer Commanding In Chief, Indian Army South Western Command Jaipur.
4. Group Captain, Operation Of Chief, Air Force Station, Ratanada, Jodhpur.
5. Jodhpur Development Authority, Through Its Secretary, Jodhpur.
6. Municipal Corporation, Jodhpur Through Its Commissioner, Jodhpur.





7. District Collector, Jodhpur
8. Senior Town Planner, Town Planning Department Jodhpur.
9. Tehsildar, Jodhpur

----Respondents

D.B. Writ Contempt Petition No. 211/2025

1. Sachin S/o Prahlad Nayak, Aged About 24 Years, R/o Civil Airport Road, Pabupura,tehsil And District Jodhpur.
2. Bhanwar Lal S/o Kamal Kishore, Aged About 37 Years, R/o Civil Airport Road, Pabupura,tehsil And District Jodhpur.

----Petitioners

Versus

1. Shri Anand Kumar - Secretary, Department Of Home, Government Of Rajasthan, Jaipur
2. State Of Rajasthan, Through Secretary Department Of Home, Government Of Rajasthan, Jaipur
3. Ms. Bhagirath Bishnoi, Secretary/commissioner, Jodhpur Development Authority, Jodhpur.
4. Shri Gaurav Aggarwal, District Collector, Jodhpur.
5. Shri Kutendra Kanwar, Tehsildar Jodhpur.

----Respondents

For Petitioner(s)	:	Mr. Moti Singh with Mr. Siddharth Mewara
For Respondent(s)	:	Mr. Bharat Vyas, ASG & Sr. Advocate assisted by Mr. Vaibhav Bhansali, through VC Mr. Pramod Gour for Mr. B.P. Bohra, Sr.CGC Mr. Vikas Balia, Sr. Advocate assisted by Mr. Sachin Saraswat Ms. Sulochana Bishnoi for Mr. B. L. Bhati, AAG Mr. Aayush Gehlot for Mr. Rajesh Panwar, Sr. Adv. & AAG Mr. Muktesh Maheshwari Mr. Vinay Jain with Mr. Darshan Jain, Mr. Mudit Balia. Mr. Rajat Dave Mr. D. S. Rajvi



HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA

Order

23/04/2026

D.B. Civil Writ Petition No. 6768/2024 :

D.B. Civil Writ Petition No. 17504/2022 :

D.B. Civil Writ Petition No. 17268/2023 :

1. Heard learned counsel for the parties.
2. The present batch of writ petitions involved a similar question of law and fact, therefore, they are being decided by this common order.
3. Since the facts are identical in all these writ petitions, therefore, the fact of ***D.B. Civil Writ Petition No. 6768/2024 (Rohit Nayak vs. Union of India)*** are taken into consideration.
4. The present public interest litigation has been filed by the petitioners seeking the following reliefs :-

"It is therefore, humbly prayed on behalf of petitioner that this writ petition for Public Interest Litigation may kindly be allowed and by an appropriate, writ, order or directions may kindly be issued against the respondents in following manners.

a) That by an appropriate writ, direction or order may kindly be issued and the order dated 10.07.2023 (Annexure-38) issued by Jodhpur Development Authority, Jodhpur as well as the order dated 19.10.2023 (Annexure-40) issued by Joint Secretary, Urban Development Department, Government of Rajasthan may kindly be quashed and set aside.

b) That by an appropriate writ direction or order may kindly be issued and the NOC



(Annexure-34) dated 22.06.2022 issued by Wing Commander, Command ATC Officer, Gandhi Nagar, Gujarat may kindly be quashed and set aside.

c) That by an appropriate writ direction or order may kindly be issued and the single patta dated 09.05.2011 (Annexure-17) and the order dated 13.04.2016 (Annexure-18) issued by Jodhpur Development Authority, Jodhpur may kindly be quashed and set aside.

d) That by an appropriate writ direction or order may kindly be issued and the application (Annexure-19) for change the land use submitted by the respondent-Adeshwar Infra Corporation may kindly be rejected.

e) That by an appropriate writ direction or order that the respondent may kindly be directed and the land mentioned in the survey report of 14.04.1996 (Annexure-4) the land of the Pabupura Abadi measuring 117 (Abadi), 16.10 (School), 9.16 (Arya Samaj), 8 (Funeral Ground), 38 (public roads), 227.09 (open space) may kindly be earmarked and demarcated with stone boundaries, further any kind of land use against the order dated 20.03.2003 may kindly be restricted.

f) That the land in question (**Khasra No.632/3, 632/7 and 632/11**) including Sub Division Number of original Khasra may kindly be declared no construction zone according to the provision of Works of Defence Act 1903 and the any kind of construction without prior approval of the Air Force Authority and Military Training Centre may kindly be declared illegal, arbitrary, unconstitutional and against the National Security.

g) That the respondent may kindly be directed to conduct the detail survey of the construction raised upon the Khasra **No.632/3, 632/7 and 632/11** with the team of Air Force Station and all kind of such constructions including any other structure of building may kindly be remove or demolish in the interest of national security.





h) That any other relief, which this Hon'ble Court deems fit, by which the petitioners may get full justice may also be allowed."

5. The relief prayed for in the present writ petitions raised a concern about the matter of national security inasmuch as the construction of the buildings having been raised in the restricted area of the boundaries of the installations of the Indian Airforce and Indian Army in the Khasra No.632 of Pabupura, Jodhpur. It is stated in the writ petitions that the local authorities have granted construction permissions in the restricted zones of two vital installations of the Government of India posing a security threat. It is stated that the local authorities had granted construction permissions in gross violation of the guidelines/instructions of the notifications issued by the Ministry of Defence/Central Government from time to time. It is further prayed that the issue raised by the petitioners should be examined by the concerned competent authorities and if the constructions are found in violation of the notifications issued by the Ministry of Defence/Central Government, then appropriate action for demolition of the same should be taken. It is further prayed that in future, the construction permission(s) should be granted keeping in mind the parameters laid down in the notifications issued by the Ministry of Defence/Central Government.

6. Learned counsel for the petitioners vehemently submits that a number of illegal constructions have been pointed out by the Union of India in their additional affidavit filed before this Court, but no action has been taken by the Local Authorities in response to the same. Learned counsel further submits that despite there being a clear mandate for not giving permissions *de hors* the





guidelines/instructions of the Notifications issued by the Ministry of Defence/Central Government, the Local Authorities are issuing the construction permissions to the private land owners and *khatedars*.

7. Learned counsel submits that the competent officers/officials of the local authorities as well as the Central Government may be directed to undertake survey of the entire area and if they find that the constructions have been raised in violation of the guidelines/instructions of the notifications issued by the Ministry of Defence/Central Government, then the same may be removed forthwith and further, in future, the permission(s) should be granted after following the guidelines/instructions of the notifications issued by the Ministry of Defence/Central Government.

8. Mr. Bharat Vyas, learned Additional Solicitor General submits that the Central Government has issued notifications from time to time prescribing the procedure and permitting the local authorities to grant construction permissions in the manner prescribed in those notifications and after following due compliances thereof. The Central Government by way of filing an additional affidavit has also placed on record the fact that certain lands in the vicinity of two vital installations of the Government of India, have either been encroached upon or the buildings have been constructed in violation of the notifications issued by the Ministry of Defence/Central Government and, therefore, an immediate action is required to be taken by the local authorities to remove those encroachments and demolish those constructions, which have been raised within the restricted areas in violation of





guidelines/instructions of the notification issued by the Ministry of Defence/Central Government. He further submits that the local authorities may be directed to undertake a detailed survey of the area in question and, thereafter, if they find that the encroachments and construction of buildings have been raised in violation of the notifications of the Ministry of Defence/Central Government, then the same may be removed. Learned ASG further submits that in future also, all construction permission(s) should be granted in the restricted area in strict compliance of the notifications issued by the Ministry of Defence/Central Government in order to avoid any eminent threat to the defence installations. Learned ASG further submits that in appropriate cases, "No Objection Certificate(s)" for grant of construction permissions should be obtained from the competent authorities of the Ministry of Defence/Central Government.

9. Learned counsel appearing for the Local Authorities assures this Court that they will undertake a detailed exercise/survey of the area in question and if after such exercise/survey, they find that the illegal constructions have been raised, then appropriate action for demolition of the same will be undertaken in accordance with law. He further undertakes that the illegal constructions mentioned in the additional affidavit filed by the UOI will also be examined and if the constructions raised are found to be in violation of the notifications, corrective measures will be taken by ordering demolition of the same. Learned counsel further submits that in future, the permissions for construction shall be granted strictly keeping in mind the mandate of notifications issued by the Ministry of Defence/Central Government. Learned counsel further





submits that while undertaking exercise/survey of the area in question if services of the officers of the Central Government is required, then the appropriate request for the same may be made to the Central Government.

10. At this juncture, learned ASG assures this Court that whatever assistance/help is required from the Central Government, the same will be extended by them to the local authorities, on being asked.

11. Learned counsel for the local authorities assures this Court that they will undertake a detailed examination/exercise of the area in question along with the fact that the illegal construction as has been mentioned in the additional affidavit filed before this Court, if they find any irregularity, then the appropriate action shall be taken against those persons for removing illegal constructions in accordance with law.

12. We have considered the submissions made before this Court and have gone through the relevant record of the case.

13. We are of the considered opinion that since the question involved in the present batch of writ petitions is of National Security, more particularly, with regard to the sensitive area/zone of important installations like Indian Air Force and Indian Army in the city of Jodhpur, therefore, all permissions granted for constructions within the vicinity of the areas of the said two organizations are required to be strictly adhered to as per the Notifications issued by the Ministry of Defence/Central Government from time to time.

14. We note that in the additional affidavit filed by the UOI it has been stated that certain constructions have been raised in the





restricted area in violation of the notifications issued by the Ministry of Defence/Central Government on the construction permissions being granted by the local authorities. We direct the local authorities to examine the same and if they find that the constructions have been raised in violation of the guidelines/conditions of the notifications issued by the Ministry of Defence/Central Government, urgent immediate steps should be taken to remove such constructions in accordance with law.

15. We further direct the local authorities to undertake a detailed exercise/survey of the area in question so as to ascertain whether any construction(s) have been raised in the restricted area of the two installations *de hors* the guidelines/conditions of the notifications issued by the Ministry of Defence/Central Government. The local authorities will also ensure that whether for such constructions, appropriate "No Objection Certificate(s)" have been taken or not from the Indian Airforce or Indian Army. If they find that the constructions raised are in violation and the appropriate permissions/NOCs have not been obtained by the persons concerned for raising such construction(s), then such construction(s) shall be removed in accordance with law. It is further ordered that in future, if any construction permission(s) are granted by the local authorities for raising construction in the restricted area of the two installations, then the same should be granted in strict compliance of the guidelines/instructions of the notifications issued by the Ministry of Defence/Central Government.

16. Needless to say that in appropriate cases, the local authorities will grant permission for construction after getting the





NOC from the concerned defence authorities, if the same are required as per the notifications of the Ministry of Defence/Central Government.

17. The entire exercise shall be undertaken by the local authorities **within a period of three months from today** and the compliance report of the same shall be furnished by them before this Court on or before **03.08.2026**.

18. The Local Authorities will also take appropriate action for removal of those persons, who are unauthorizedly occupying the area/land in the vicinity of the restricted zone.

19. It is made clear that this order will be applicable only in the entire area of Khasra No.632 and other Sub Divisions of said Khasra.

20. It is further directed that even if the layout plan has been sanctioned by the local authorities, the construction permission(s) is/are strictly required to be issued after following the mandatory guidelines/instructions of the notifications issued by the Ministry of Defence/Central Government. If the local authorities find that the construction permission(s) have been issued in violation of mandatory guidelines/instructions of the notifications of the Ministry of Defence/Central Government, then such construction permission(s) should be cancelled.

21. The writ petitions are disposed of with the directions stated above.

22. The stay applications and other pending application, if any, also stand disposed of.





D.B. Writ Contempt Petition No. 1222/2023 :
D.B. Writ Contempt Petition No. 211/2025 :

In view of the detailed order of even date passed by this Court in **D.B. Civil Writ Petition No. 6768/2024 (Rohit Nayak vs. Union of India)** and other connected two writ petitions, both the contempt petitions are disposed of.

(CHANDRA SHEKHAR SHARMA),J

(VINIT KUMAR MATHUR),J

28-32/SanjayS/Kartik Dave-