HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S. B. Civil Writ Petition No. 9036/2026
URN: CW / 20017U / 2026

PETITIONER:

Vikas Modi S/o Om Prakash Modi, aged about 50 years, R/o 105, Sch No. 3, Alwar, Rajasthan-301001.

Versus

RESPONDENTS:

1. State of Rajasthan, through its Principal Secretary, Department of Local Bodies, Government of Rajasthan, Secretariat, Jaipur.
2. The Director, Department of Local Bodies, Government of Rajasthan, Jaipur.
3. Municipal Corporation, through its Commissioner, Alwar.

For Petitioner	:	Mr. R.N. Mathur Senior Advocate assisted by Mr. Punit Singhvi Advocate, Mr. Ishan Verma Advocate, Ms. Shradha Mehta Advocate, Mr. Ajay S. Rathore Advocate and Ms. Gaurika Bhansali Advocate.
For Respondents	:	Mr. Ajay Shukla Advocate with Mr. Raghav Sharma Advocate, Mr. Shivam Sharma Advocate & Ms. Jyoti Sharma Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

REPORTABLE

Date of conclusion of arguments	::	**03.07.2026**
Date on which judgment was reserved	::	**03.07.2026**
Whether the full judgment or only the operative part is pronounced	::	**Full Judgment**
Date of pronouncement	::	**17.07.2026**

1. Petitioner has preferred the present writ petition under Article 226 of the Constitution of India laying challenge to order dated 12.03.2026 passed by the Commissioner, Municipal Corporation, Alwar cancelling the patta/lease deed issued in favour

of the petitioner under Section 73-B of the Rajasthan Municipalities Act, 2009 (hereinafter to be referred as 'the Act of 2009') and order dated 20.04.2026 passed by the Director and Special Secretary, Local Self Department, Rajasthan holding the proceedings undertaken under Section 90-A of the Rajasthan Land Revenue Act, 1956 (hereinafter to be referred as 'the Act of 1956') in respect of the subject land to be void ab initio.

2. The case set up by the petitioner is that the land in question forms part of the property popularly known as "Diwan Ji Ka Bagh" situated at Alwar. According to the petitioner, the land was declared to be private property of Shri Manohar Lal by the Additional Jagir Commissioner vide order dated 29.09.1961. Thereafter, by a series of transactions including a gift deed, agreement to sell, testamentary succession and release deed, rights in the property ultimately devolved upon Shri Arun Kumar and Shri Mudit Jain.

3. It is the case of the petitioner that although acquisition proceedings were initiated under the Rajasthan Urban Improvement Act, 1959 (hereinafter to be referred as 'the Act of 1959'), neither compensation was paid, nor possession was taken. The land continuously remained in possession of the predecessors-in-interest of the petitioner and was continuously used for various purposes. It is further pleaded that applications were submitted for regularisation/change of land use and thereafter, proceedings under Section 90-A of the Act of 1956 culminated in issuance of pattas/lease deeds by the Municipal Corporation in the year 2025.

4. The petitioner claims to be a bona fide purchaser, who purchased a portion of the land on the basis of revenue entries, proceedings under Section 90-A of the Act of 1956 and the patta issued by the competent authority. Subsequently, show cause notice

dated 04.03.2026 was issued alleging that the land formed part of a green belt/green area under Master Plan 2031 and that pattas had been obtained in contravention of law. Thereafter, vide order dated 12.03.2026, the patta was cancelled and vide order dated 0.04.2026, the Director and Special Secretary, Local Self Department, Rajasthan declared the proceedings under Section 90-A of the Act of 1956 to be void ab initio. As per petitioner, such proceedings are arbitrary, illegal and against the statutory as well as constitutional rights of the petitioner.

5. Writ Petition has been opposed by the respondents by way of filing reply to the writ petition, wherein the respondents contended that Section 73-B of the Act of 2009 specifically empowers the Municipality to cancel even a registered patta if it has been obtained by misrepresentation or in contravention of law. It is contended that the land in question forms part of the Green Belt/Green Area under Master Plan 2031 and, in view of the directions issued by Division Bench of this Court at Principal Seat Jodhpur vide order dated 12.01.2017 in **Gulab Kothari v. State of Rajasthan & Others (D.B. Civil Writ Petition No. 1554/2004 & other connected matters)**, no residential use or regularisation contrary to the Master Plan is permissible. Consequently, the proceedings under Section 90-A of the Act of 1956 and all consequential pattas were void ab initio.

6. The respondents further pleaded that the land had vested in the State by virtue of acquisition and was re-allotted in 1986 on a 99 years lease subject to the condition that it would be used only as an orchard, failing which it would revert back to the UIT concerned. The petitioner's own pleadings reveal that industrial and commercial ~~activities were being carried out on the land and that the orchard~~

character ceased long ago, thereby, violating the conditions of re-allotment.

7. It was also averred by the respondents that the claim of the petitioner being a bona fide purchaser is also disputed on the ground that the agreement to sell was executed even before the order under Section 90-A of the Act of 1956 was passed. It is submitted that no person can acquire a better title than that possessed by the vendor. The respondents deny any violation of principles of natural justice stating that show-cause notice was issued, reply was received and considered, and only thereafter the cancellation order was passed.

8. Shri R. N. Mathur, learned Senior Counsel appearing on behalf of the petitioner and assisted by Shri Punit Singhvi, learned counsel, contended that the land in question was always a private khatedari land and could not have been treated as green belt without following due process of law. It was argued that no notice was ever issued to the original landholders before the land in question was shown as green belt in the Master Plan and, therefore, the very foundation of the impugned action is illegal.

9. Learned Senior Counsel further submitted that the petitioner is a bona fide purchaser, who acquired rights only after examining the revenue records, title documents, proceedings under Section 90-A of the Act of 1956 and the patta issued by the Municipal Corporation itself. Having issued the patta after accepting conversion charges and completing statutory formalities, the respondents are estopped from cancelling the same.

10. It was further contended that the proceedings under Section 73-B of the Act of 2009 were undertaken mechanically and in violation of principles of natural justice. Allegations of concealment

levelled upon the petitioner are baseless and unfounded. According to learned Senior Counsel, the respondents have declared the proceedings under Section 90-A of the Act of 1956 void ab initio without following the procedure prescribed under law and without granting an effective opportunity of hearing.

11. It was also argued that cancellation of the patta deprives the petitioner of his own property which is in violation of Article 300-A of the Constitution as also arbitrary and violative of Articles 14 and 21 of the Constitution of India.

12. Per contra, Shri Ajay Shukla, learned counsel appearing for the respondents vehemently opposed the writ petition and argued that the land in question is admittedly shown as green area/green belt in Master Plan 2031 and, therefore, no residential patta could have been issued in respect thereof.

13. It was contended that the proceedings undertaken under Section 90-A of the Act of 1956 were wholly without jurisdiction since land use conversion contrary to a notified Master Plan is impermissible in law. Consequently, the proceedings under Section 90-A of the Act of 1956 were void ab initio and all subsequent actions flowing therefrom, including issuance of patta, were also void and illegal.

14. Learned counsel for the respondents further submitted that the show cause notice dated 04.03.2026 was issued, reply submitted by the petitioner was duly considered and thereafter the impugned order was passed. Therefore, principles of natural justice stood fully complied with.

15. It was also argued that the petitioner cannot claim to be a bona fide purchaser because the agreement to sell itself was ~~executed on 02.12.2022, much prior to order dated 25.04.2023~~

passed under Section 90-A of the Act of 1956. Therefore, the petitioner cannot claim that he acted on the basis of subsequent regularisation proceedings.

16. Lastly, it was contended that no person can derive any benefit from an order which is void ab initio and the doctrine of estoppel cannot operate against statute.

17. Learned counsel for the respondents, in support of his arguments, relied upon judgments of Co-ordinate Bench of this Court at Principal Seat Jodhpur in the cases of **Bannaram & Others vs. Municipal Board, Nokha & Another (S.B. Civil Writ Petition No. 10570/2023 & other connected petitions decided on 12.09.2023)** and **Nar Singh vs. State of Rajasthan & Another (S.B. Civil Writ Petition No. 12743/2023 decided on 21.09.2023)**.

18. I have considered the rival submissions and perused the material available on record.

19. The central issue arising for consideration in the present writ petition is whether the proceedings conducted under Section 90-A of the Act of 1956 and the consequential patta issued in favour of the petitioner could legally survive when the subject land admittedly formed part of the Green Belt under the notified Master Plan, 2031.

20. Upon examination of the contents of the writ petition and material placed on record, this court finds that earlier when the land in question was owned and possessed by Smt. Sushila Devi, predecessor-in-title, a notification under Section 07.04.1978 was issued by the State Government under Section 52(1) of the Act of 1959, to acquire the land for residential scheme of Urban Improvement Trust, which appeared to have been opposed by the ~~then land owner on the ground that since the land in question was~~

being used for "orchard", therefore, residential scheme cannot be chalked out thereupon by the Government. On such request made by the then land owner, Smt. Sushila Devi, Dy. Secretary to the Government of Rajasthan wrote a letter dated 09.09.1986 to the Secretary, UIT, Alwar contending therein that the land in question was being utilised as an orchard by the land owner, whereas it was acquired for residential-cum-commercial scheme of UIT., Alwar and after publication of notification u/s 52(1) of the Act of 1959, the land stood vested in the State Government. In view of the prevailing use of the land and the use shown in the draft master plan, it was desirable not to utilise this land for the residential-cum-commercial scheme of the UIT. Since, the land vested in the State Government, it was decided to re-allot the same to the owner on 99 years lease basis subject to the condition that no compensation for the land will be payable and also the owner will be required to pay the token lease money of Rs. 100/- per year, with further condition that in case the land is put to any use other than orchard, it will revert to the UIT free from all encumbrances. Accordingly, with the above conditions, the land was re-allotted to predecessor in title to the petitioner.

21. It is also evident from the record that the petitioner himself has placed on record several documents, such as registration certificate issued by the District Industries Centre, Alwar, certificate of registration by Commercial Tax Officer, License issued for running small scale industry (collectively marked as Annexure-7 with the writ Petition), to demonstrate that in violation of specific conditions of above letter of re-allotment of land dated 09.09.1986, the petitioner/his predecessor in title have unauthorisedly changed the use of the land in question from orchard to commercial/industrial purposes. Therefore, as per clear terms and conditions of letter

dated 09.09.1986, on violation of permissible land use, the land was bound to revert back to UIT.

22. At the very outset, it is significant to note that there is no dispute whatsoever with regard to the fact that the subject land is reflected as Green Area/Green Belt in the Master Plan, 2031. The communication dated 22.09.2022 issued by the competent planning authority, which has been relied upon even by the petitioner in his pleadings (para 13 of the writ petition), unequivocally records that the concerned khasra numbers fall within the Green Belt. Thus, the foundational factual position regarding the land use designation stands established from the record itself.

23. Once the land is shown in a notified Master Plan as Green Belt, the legal consequences flowing therefrom are unavoidable. A Master Plan prepared under the planning statutes is not merely an advisory document or a statement of governmental intent, it is a statutory instrument having binding force upon all authorities and citizens alike. Every authority exercising powers relating to land use, conversion, regularisation, allotment or grant of pattas is bound to act within the four corners of the Master Plan. Any action contrary thereto would be contrary to the statutory scheme itself.

24. The object of earmarking land as Green Belt is to preserve ecological balance, maintain environmental sustainability, prevent unregulated urban spread and secure planned development of urban areas. Such lands constitute an integral component of urban planning and are preserved in larger public interest. Therefore, any administrative action permitting residential or commercial utilisation of land falling within a Green Belt cannot be treated as a mere irregular exercise of power, but would amount to defeating the very object of the planning legislation.

25. The legal proposition clearly emerges that a Master Plan or Development Plan framed under a town planning statute has statutory force. Neither the planning authority, nor the State Government can permit change of land use in derogation of the Master Plan except by following the statutory procedure for its amendment. Any permission, sanction, Patta (lease deed) or executive order permitting use of land contrary to the Master Plan is ultra vires, illegal and liable to be quashed.

26. Coming to the facts of the instant case, the material placed on record further reveals that the order dated 25.04.2023 passed under Section 90-A of the Act of 1956 was the foundation upon which subsequent pattas came to be issued. This Court also noticed that while passing order dated 25.04.2023 under Section 90-A of the Act of 1956, an incorrect statement, contrary to the record, was mischievously recorded by the competent Authority and it was observed that upon consideration of the material available on record, the Authority was of the opinion that the proposed non-agricultural use (residential in nature) of the land in question was in conformity with the Master Plan. Whereas admittedly, the land in question was falling in Green Belt shown in Master Plan. Thus, order dated 25.04.2023 was passed by the concerned Authority contrary to the Master Plan and by making misleading as well as wrong statement in its order dated 25.04.2023.

27. It is a settled principle of law that an authority exercising powers under Section 90-A of the Act of 1956 cannot grant conversion or regularisation in derogation of a binding statutory Master Plan. A planning statute and a duly notified Master Plan are not mere administrative guidelines, but have statutory force. Any order passed contrary thereto is void and unenforceable in law.

28. As observed here-in-above, order dated 25.04.2023 passed under Section 90-A of the Act of 1956 constituted the very foundation upon which subsequent regularisation proceedings and issuance of pattas were based. It is a settled principle that where the foundational action is without jurisdiction, all consequential actions based upon such foundation automatically collapse. An order passed without jurisdiction neither creates rights, nor confers legal sanctity upon subsequent proceedings flowing therefrom. Consequently, if the proceedings under Section 90-A of the Act of 1956 were impermissible in law, the pattas issued pursuant thereto could not acquire an independent or superior legal status.

29. The power under Section 90-A of the Act of 1956 cannot be exercised in derogation of statutory planning restrictions. A statutory authority is a creature of statute and must act within the limitations imposed by law. No authority exercising powers under the Act of 1956 can authorise a land use which directly conflicts with a notified Master Plan. Any such exercise would amount to transgressing jurisdictional limits and would render the resultant order a nullity in the eyes of law.

30. Impugned order dated 20.04.2026 proceeds on the finding that the land forms part of the Green Belt and, therefore, the conversion proceedings under Section 90-A of the Act of 1956 were void ab initio. Significantly, the petitioner has neither challenged the validity of the Master Plan, nor demonstrated that the Green Belt designation stood altered, modified or withdrawn through any legally recognised process. In the absence of any challenge to the statutory planning framework itself, the petitioner cannot seek enforcement of rights which are fundamentally inconsistent with the Master Plan.

31. This Court also finds no substance in the contention that the Municipal Corporation became *functus officio* after issuance of the registered patta. Section 73-B of the Act of 2009 has been specifically enacted to empower the competent authority to revisit and cancel allotments, lease deeds and pattas obtained by misrepresentation, fraud, collusion or in contravention of law. The legislative intent underlying the provision is manifestly clear, namely, that registration of a patta should not become a shield for perpetuating illegality. A registered document cannot sanctify an action which was void at its inception.

32. In the present case, the cancellation is not based merely upon allegations of fraud or suppression of facts. The very basis of cancellation is that residential pattas were issued in respect of land which could not legally be used for residential purposes under the Master Plan. Therefore, the impugned action falls squarely within the expression "in contravention of law" employed in Section 73-B of the Act of 2009. Once the authority discovered that the pattas had been issued contrary to the statutory planning framework, it was not merely empowered, but was duty-bound to rectify the illegality.

33. The plea of violation of principles of natural justice is equally untenable. The record demonstrates that show cause notice dated 04.03.2026 was issued, the grounds of proposed cancellation were specifically communicated, revealing therein that the land use of the land in question is recorded as Green Area/Garden in the Master Plan and Zonal Plan, where residential use is not permissible. It was also mentioned in the notice that in the case of **Gulab Kothari (supra)**, the Division Bench of this Court at Principal Seat Jodhpur, vide order dated 12.01.2017, held that change of land use for any other purpose in areas earmarked as parks, open spaces,

playgrounds, recreational areas and eco-sensitive zones is prohibited. Thus, the directions issued in the case of **Gulab Kothari (supra)** and the provisions of Rule 3(1)(i) of the Rajasthan Urban Areas (Permission for Use of Agricultural Land for Non-Agricultural Purposes and Allotment) Rules, 2012 (hereinafter to be referred as 'the Rules of 2012') have been violated and the petitioner has secured issuance of pattas, despite the fact that the said land was reserved for Green Belt and Garden purposes. Therefore, in pursuance of Rule 34 of the Rules of 2012 and Section 73-B of the Act of 2009 (relating to revocation of allotment and cancellation of lease deeds), the petitioner was called upon to show cause as to why the patta issued in his favour should not be cancelled.

34. Thereafter, reply dated 11.03.2026 to the above show cause notice was submitted by the petitioner through his Advocate contending therein that the allegation contained in the notice regarding obtaining patta by concealing facts and/or by misrepresentation was incorrect. The proceedings under Section 90-A of the Act of 1956 were initiated suo-motu. After following the entire prescribed legal procedure and completing all statutory formalities, permission was granted for use of the said land for residential purposes vide order dated 25.04.2023. The land was vested in the Municipal Corporation and the layout plan was duly approved. Thereafter, information regarding the said order was sent to the Tehsildar (Revenue), Alwar, pursuant to which mutation entries in respect of the aforesaid khasra numbers were opened in favour of the respondent-authority and duly incorporated in the revenue records (Jamabandi). As such, upon conducting a complete inquiry and verification and after accepting the requisite charges from the petitioner, patta was issued, which has also been duly

registered in the office of the Sub-Registrar, Alwar. It was also mentioned in the reply to the notice that the petitioner had instituted a civil suit before the Court of the Civil Judge No. 1, Alwar, therefore, during pendency of civil suit, no prejudicial action may be taken against the petitioner.

35. It is matter of fact that the civil suit referred by the petitioner in his reply to the notice has already been dismissed by the Civil Court for want of jurisdiction vide order dated 30.04.2026 and copy thereof has been placed on record by the petitioner himself along with writ petition as Annexure-17.

36. This Court further noticed that in the entire reply to the show cause notice, it has nowhere been denied by the petitioner that the land in question was falling in Green Belt in the Master Plan, nor is there any such denial in the entire memo of writ petition.

37. After considering reply to the show cause notice, impugned order dated 12.03.2026 has been passed by the respondents observing therein that the District Collector, Alwar constituted a committee to inquire into the matter. As per the report submitted by the said Committee, the land use of the aforesaid land is shown as Green Area/Garden in the Master Plan and Zonal Plan, wherein residential use is not permissible in view of the judgment of **Gulab Kothari (supra)**, in which it has been held that change of land use for other purposes in areas designated as green land is prohibited. On the basis of the report of the inquiry committee, notice dated 04.03.2026 was issued to the petitioner under Section 73-B of the Act of 2009, requiring him to submit an explanation within seven days regarding the allegation that despite the land being reserved as Green Belt and Garden Area, patta had been ~~obtained by securing approval under Section 90-A of the Act of 1956~~

and approval of layout plans through concealment and misrepresentation of facts. However, the explanation furnished by the patta-holder was found to be unsatisfactory. It has also been mentioned in the impugned order that while submitting the online application, the petitioner-applicant deliberately concealed material facts and described the land use of the plot as "residential", whereas the land use of the said khasra numbers was recorded as Green Area/Garden in the Master Plan and Zonal Plan. It has also been observed in the impugned order that Section 73-B of the Act of 2009, relating to revocation of allotment and cancellation of lease deeds, provides that whether before or after execution and registration of a lease deed in respect of land allotted on leasehold or freehold basis, if at any time, the Municipality has reason to believe that the allotment of land was obtained by misrepresentation of facts, on the basis of false documents, through collusion, or in contravention of law, and the lease deed has been executed on such basis, it may, after issuing a show-cause notice and providing an opportunity of hearing to the allottee, record reasons and revoke the allotment and cancel the lease deed. The impugned order also takes note of the fact that the provisions of Rule 3(1)(i) of the Rules of 2012 have also been violated. Accordingly, in exercise of the powers conferred under Section 73-B of the Act of 2009, the aforesaid patta has been treated as void and ineffective from its very inception and was accordingly cancelled/annulled with immediate effect.

38. Thus, this Court finds that procedure contemplated under the statutory provisions and as well as principles of natural justice have also been followed by the respondents before passing the impugned order. Needless to observe that natural justice requires a fair opportunity to meet the case against a person; it does not

guarantee acceptance of the defence raised by such person. The requirement of procedural fairness having been satisfied, the challenge on this count cannot be sustained.

39. In the case of **Bannaram & Others (supra),** co-ordinate Bench of this Court at Principal Seat Jodhpur has held that Muncipality has the statutory power to review and cancel a patta or lease deed, even after registration of such document and it can be revoked if it was obtained in contravention of the law. Following pertinent part of the judgment is quoted as under :

> *"19. This Court also observes that it is clear that the Legislature's intention behind insertion of the Section 73-B of the Act of 2009 was that it is necessary to prevent the illegal allotment of the land and execution of lease deed, and thus, powers were given to the concerned Municipal Body to issue show cause notice to the person(s) concerned, and thereafter, if the Municipal Body is satisfied that the allotment of the land and issuance of patta and registration thereof was done, by misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, it can pass an order for revocation of allotment and cancellation of the lease deed of the land.*
>
> *19.1. This Court holds that the review of the decision regarding revocation/cancellation of the patta has to be permitted to be gone into by the same authority who has registered such patta, if the process, for the said purpose, as undertaken by him, was pointed out to be suffering from misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, on the part of the person(s), who obtained such patta.*
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> *20. This Court further observes that in the present case, the impugned actions of the respondent authority regarding issuance of the show cause notice and cancellation of pattas as well as lease deeds of the petitioners are justified for the foregoing reasons.*
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> *21. This Court thus holds that any lease deed/patta registered shall be amenable to interference by the registering authority itself on count of misrepresentation of facts or on the basis of false documents or with collusion or in contravention of law, as laid down in Section 73-B of the Act of 2009."*

40. Similar view has been taken by Co-ordinate Bench of this Court at Principal Seat Jodhpur in the case of **Nar Singh (supra).**

41. Even otherwise, the core fact regarding the Green Belt status of the land remains undisputed. Since no authority could legally permit residential use of Green Belt land, the petitioner has

failed to demonstrate any prejudice caused by the procedure adopted.

42. In the impugned order as well as in the notice preceded by the impugned order, the authorities have relied upon the judgment of **Gulab Kothari (supra)**, in which following observations and directions have been given by this Court:

> *"47. Having considered the rival submissions, the principal questions arising for consideration of this Court in these PILs, may be summarised thus:*
>
> *(1) What is the ambit and scope of the power of the State Government and the other authorities under the relevant statutes as regard to preparation of the Master Development Plan & Zonal Development Plan and modification/revision thereof during their operative period ?*
>
> *(2) Whether the peripheral control belt/green belt/ecological zone, as the case may be, specified in the notified Master Development Plan, a statutory instrument, form its basic character/ feature, which cannot be altered and the land forming part thereof cannot be permitted to be put to other uses i.e. commercial/residential/institutional/industrial purposes etc. during its operative period and thereafter, while revising the Master Development Plan at the end of its tenure? If the alteration/modification therein is permissible, what are the parameters therefor ?*
>
> *(3) Whether the authorities entrusted with the task of revision/modification of Master Development Plan/Zonal Development Plan can do away with/alter the minimum requirement of green area/open spaces/parks/ recreational area as provided for under the Master Development Plan/Zonal Development Plan with reference to the population at the relevant time and projected increase therein and put the same to the use for the purposes other than those specified during its operative period ?*
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> *(4) XXXXXX*
>
> *48. Master Development Plan is prepared with an objective to ensure systematic and planned development of a city and adjoining areas with a view to protect the residents from ill-effects of urbanisation as also to create sustainable physical and social environment for improving their quality of life. It lays down the planning, guidelines, policies, development code, space requirement for various socio economic activities supporting the city population during the plan period. As a matter of fact, Master Development Plan translates community values, decisions and visions into land use and development principles which can guide the future growth of community and decision making for planning authorities and implementation thereof by local authorities.*
> *69. Thus, undoubtedly, the Master Development Plan or the Zonal Development Plan, as the case may be, finally sanctioned, after undertaking intensive consultation process involving experts drawn from various disciplines and other stake holders, for systematic and planned development of the*

city and adjoining areas are democratically prepared planning documents expressing the community desire to develop physically, economically and socially and therefore, its binding effect and inviolability could be well understood.
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. 88. We are firmly of the opinion that once the Master Development Plan is brought into being, vigilant implementation thereof should be the rule and any deviation therefrom an exception and therefore, the power vested with the Authority or the State Government for modification thereof should be exercised sparingly in furtherance of the planned development in the larger public interest and not otherwise.

The status of peripheral control belt /green belt/ecological zone specified in the notified Master Development Plan, permissibility of use of the land forming part of peripheral control belt/ecological zone/green belt specified in the Master Development Plan for the purposes other than those specified during its operative period and thereafter, at the time of revision thereof at the end of its tenure and further the scope of alteration/modification thereof (Question No.2)

89. The issue whether the peripheral control belt/green belt/ ecological zone, specified in the notified Master Plan, a statutory instrument forms basic character/ feature of the Master Plan, which cannot be altered and land forming part thereof cannot be put to other uses i.e. residential, commercial, institutional and industrial purposes etc., has been a most contentious issue in these PILs.

102. In Yashwant Sharma's case (supra), while dealin with the issue regarding respondents' allowing indiscriminate urbanisation and exploitation of the ecological zone, the court did not interfere with the change of land use made by the State Government on JDA giving the undertaking to develop the ecological zone by setting apart 200 bighas of land for the said purpose in lieu of the land taken out from the demarcated use for ecological zone in the Master Plan to rehabilitate slum dwellers. But, at the same time, the court warned the JDA not to amend the Master Plan casually in future unless and until, it is necessarily warranted to modify the Master Development Plan, that too, in the limited scope. Thus, ignoring the directions of this court, the change of the land use of such a huge area forming part of ecological zone for residential and mixed user by the respondents, cannot be countenanced by this court.

103. As a matter of fact, the fundamental object of providing ecological zone or green belt is to prevent urban sprawl by *keeping the land permanently open so as to protect natural or semi natural environment; improve air quality within the urban area and to ensure the lung spaces for the inhabitants of the urban area. In other words, the permanent openness is the most important attribute of ecological zone/green belt and for this reason, while designating the land use in such area, the care is taken that it remains largely undeveloped and only eco friendly development not affecting the natural and healthful environment comes up within the area. In the considered opinion of this court, the green belt/ecological zone specified in the Master Development Plan in furtherance of welfare of the inhabitants of the area forms basic feature of the Master Development Plan, which once established, is not permissible to be altered even while undertaking the revision of the Plan or the preparation of the new Plan. Even the area which is shown in the various Master Plans as Green Zone/Area (G2) abutting G-1 developed as buffer to promote a continuum to G-1 is permissible to be used for the activities other than those specified only in exceptional circumstances in the interest of the general public and not otherwise to serve an individual interest.*

126. Keeping in view the authoritative pronouncements of the Apex Court as aforesaid, the issue that the land specifically earmarked as open spaces, common facilities, parks, playgrounds and recreation grounds etc. in the Master Development Plan or Zonal Development Plan, cannot be diverted to the use other than those specified, does not require further dilation. In the considered opinion of this Court, besides eco-sensitive zone/ecological zone/green area, the reservation and preservation of the land as green cover i.e. parks, open spaces, playgrounds etc. provided for protecting the residents of the city from ill-effects of urbanisation and to ensure healthful environment certainly forms part of basic character of the Master Development Plan and Zonal Development Plan and therefore, the land use specified for the said purpose cannot be permitted to be altered to subserve an individual interest as against the community interest in preserving the same.
205. In the result, having regard to the aforesaid conclusions arrived at, we issue the following directions:
(i) The Development Authorities and the State Government shall ensure that Master Development Plan of a city or town prepared under the relevant statutes is a comprehensive and self explanatory document providing for preservation, conservation and development of eco-sensitive zone/ecological zone/green area, peripheral control belt, natural scenery, city forest, wildlife, natural resources and landscaping as also allocation of land for different uses such as residential, commercial, industrial, institutional, cultural complexes, tourist complexes, open spaces, garden, recreation centres, amusement parks, zoological gardens, animal sanctuaries, dairies and health resorts etc.

(ii) xxxx

(iii) The sanctity of Master Development Plan or the Zonal Development Plan finally sanctioned shall be maintained and all development schemes of the various zones and the development work to be undertaken by the local authorities or private entrepreneurs or anybody else during the operative period thereof, shall conform to the land uses as specified under the Master Development Plan or Zonal Development Plan, as the case may be.

(iv) xxxx

(v) The eco-sensitive zone/ecological zone/green area specified in the Master Development Plan once established shall not be altered or put to other uses during the operative period of the Plan and even while undertaking the revision of the Plan or preparation of the new Plan."

43. The contention that the petitioner is a bona fide purchaser also does not merit acceptance. The petitioner's own pleadings disclose that the agreement to sell was executed on 02.12.2022, whereas the order passed under Section 90-A of the Act of 1956 was passed subsequently on 25.04.2023. Thus, the claim that the petitioner entered into the transaction on the basis of conversion proceedings is factually incorrect. The petitioner consciously entered into the transaction prior to the alleged regularisation and now cannot claim equities founded upon subsequent administrative actions.

44. Furthermore, it is a settled proposition that a transferee can acquire no better title than that possessed by the transferor. If the conversion proceedings themselves were void and incapable of creating legal rights, the petitioner cannot claim any superior or independent right merely on account of having purchased the property. The doctrine of bona fide purchase cannot be invoked to validate a transaction founded upon an illegality. Similarly, the principles of estoppel and legitimate expectation cannot operate against a statute or compel a public authority to perpetuate an action contrary to law.

45. The argument founded upon Article 300A of the Constitution of India is equally misconceived. Article 300A of the Constitution of India protects a person against deprivation of property save by authority of law. The constitutional protection does not extend to preservation of rights created in violation of law. In the present case, the impugned action emanates directly from statutory

provisions and seeks to annul patta found to have been issued in contravention of the governing legal framework. Consequently, the action is clearly supported by authority of law and does not infringe Article 300A of the Constitution of India.

46. The prayer seeking deletion of the subject land from the Green Belt is also wholly misconceived. Judicial review is concerned with the decision-making process and not with substituting the wisdom of planning authorities in matters involving urban planning and land use policy. Determination of whether a particular area should be retained as Green Belt or converted for residential use or subjected to any other land use falls squarely within the domain of expert statutory authorities. In the absence of any challenge to the validity of the Master Plan itself, no direction can be issued by this Court requiring alteration of land use classification.

47. Viewed from any angle, the petitioner has failed to establish that the impugned orders suffer from lack of jurisdiction, violation of natural justice, perversity, arbitrariness or any manifest error warranting interference under Article 226 of the Constitution of India. On the contrary, the material on record demonstrates that the authorities have acted to rectify an illegality which had the effect of permitting residential use of land reserved as Green Belt under a statutory Master Plan. Interference by this Court in such circumstances would amount to perpetuating an illegality and defeating the very object of planned urban development.

48. Having considered the matter in its entirety, this Court is satisfied that the impugned orders do not suffer from any jurisdictional error, perversity, arbitrariness or violation of principles of natural justice warranting interference under Article 226 of the Constitution of India. On the contrary, the impugned actions seek to

rectify an illegality which had the effect of permitting residential use of land reserved as Green Belt under a statutory Master Plan. Interference by this Court in such circumstances would amount to perpetuating an illegality and defeating the object of planned urban development.

49. Accordingly, this Court finds no ground to exercise its extraordinary writ jurisdiction in favour of the petitioner. The writ petition, being devoid of merit, deserves to be dismissed.

50. However, before parting, it is pertinent to note that the facts of the present case also disclose a matter of grave concern which cannot be ignored by this Court while exercising its writ jurisdiction. The material available on record demonstrates that proceedings for change of land use, regularisation and consequential issuance of residential pattas were undertaken in respect of land which admittedly formed part of the Green Belt under the notified Master Plan. Such actions were not the result of a mere procedural irregularity, but strike at the very foundation of statutory town planning and urban development laws. The Master Plan is a statutory instrument having binding force and every authority functioning under the municipal and urban development framework is duty-bound to act in conformity therewith.

51. What is particularly disturbing is that the concerned officers, despite being custodians of official records and being under a legal obligation to verify the land use prescribed under the Master Plan, proceeded to recommend and approve conversion and regularisation proceedings by recording observations that the proposed use was permissible and in accordance with the applicable planning framework. Such actions could not have been taken without knowledge of the true status of the land. The record prima facie

indicates either gross dereliction of duty of the highest order or a deliberate and conscious attempt to circumvent statutory provisions. In either eventuality, the conduct cannot be accepted in law.

52. This Court is of the considered opinion that permitting public officials to escape accountability in such circumstances would erode public confidence in the administration of urban planning laws and would encourage misuse of statutory powers. Green Belt areas constitute vital ecological and environmental assets of a city and their protection is not merely a statutory obligation, but also a constitutional imperative flowing from the principles underlying Articles 21, 48A and 51A(g) of the Constitution of India. Any attempt to dilute or defeat such protection through unauthorised administrative actions must be dealt with firmly.

53. Accordingly, this Court deems it appropriate to direct the Principal Secretary, Local Self Government Department, Rajasthan, in co-ordination with the Secretary, Department of Personnel, Government of Rajasthan, to identify all officers, who were involved at various stages in processing, recommending, approving or facilitating the proceedings relating to conversion of land use, regularisation and issuance of pattas in respect of the subject land. A departmental enquiry shall be initiated against such officers in accordance with the applicable service rules after affording them due opportunity of hearing. The competent authority shall examine whether the actions of the concerned officials were the result of negligence, misconduct, abuse of authority, collusion or any other conduct warranting disciplinary action and shall proceed in accordance with law.

54. A compliance report indicating the steps taken pursuant to ~~the aforesaid directions shall be placed before this Court within a~~

period of three months from the date of receipt of copy of this judgment. It is clarified that the disciplinary proceedings shall be conducted independently on the basis of the material available on record and after following due process of law.

5. Writ petition is dismissed, however, with the aforesaid directions.

6. All pending applications, if any, also stand disposed of.

(ANAND SHARMA),J

MANOJ NARWANI/