



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

S.B. Civil Writ Petition No. 11082/2025
CNR: RJHC010507562025 | URN: CW / 19627U / 2025

Basant Hotels Private Limited, Having Its Registered Office At Alka Hotel, Near Shashtri Circle, Udaipur, Through Its Director, Nishit Bhandari Son Of Late Shri Kamal Prakash Bhandari, Aged About 39 Years, Resident Of 29-A, Alkapuri, Fatehsagar Lake, Udaipur.

-----Petitioner

Versus

1. The State Of Rajasthan, Through The Principal Secretary, Urban Development And Housing Department, Government Of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Town Planning Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Udaipur Development Authority Udaipur, Through Its Commissioner, Udaipur.
4. The Union of India through the Secretary, Ministry of Environment, Forest and Climate Change, having its office at Indira Paryavaran Bhawan, Jorbagh Road, New Delhi.

-----Respondents

For Petitioner(s)	:	Mr. M.S. Singhvi, Sr. Adv. assisted by Mr. Vineet Dave
For Respondent(s)	:	Mr. Vaibhav Bhansali for Mr. Bharat Vyas, ASG Mr. Mahaveer Bishnoi, AAG Mr. Vijay Purohit with Mr. Hanuman Singh Gour Mr. Pradeep Singh Rajpurohit Ms. Kamini Joshi, Court Commissioner

HON'BLE MR. JUSTICE SAMEER JAIN

Order

24/07/2026



I. Report of the Court Commissioner:

1. In compliance with the directions passed by this Court vide order dated 16.07.2026, the appointed Court Commissioners, Ms. Kamini Joshi, Advocate, and Mr. Rajendra Bhanawat, Retd. IAS Officer carried out the site inspection and submitted an interim report. The report includes aerial photography not only of the petitioner's property but also of the nearby vicinity.

2. During the course of the hearing, the learned Court Commissioner, Ms. Kamini Joshi, apprised the Court that multiple hotels have been constructed and are operational upon the said hills. The only distinguishing feature of the petitioner's property, as compared to the aerial photographs of other properties, is that it is situated on a steeper slope.

3. Upon a perusal of the properties in the vicinity, as specified in the report, it is glaringly evident that the hills and mountains have been brutally cut and constructed upon until they are on the verge of extinction, effectively being replaced by hotels.

4. It has also come to the knowledge of this Court that the author and creator of the Hill bye-laws *vis-a-vis* the Hill Policy of the year 2018 were certain private external agencies. Shockingly, no advice or consultation was ever sought from the relevant statutory agencies and departments concerning climate, wildlife, pollution, and environment, either through the Union of India or the respective State departments.

5. Moreover, during the course of the inspection, the learned Commissioner observed that the authorities of the Udaipur



Development Authority (UDA) lacked knowledge regarding either the policy or the prevailing laws pertaining to hill construction.

II. Submissions on behalf of the Petitioner:

6. Mr. M.S. Singhvi, learned Senior Counsel appearing for the petitioner, raises the issue of hostile discrimination and challenges the prospective applicability of the policy upon the petitioner. It is submitted that the petitioner's construction is strictly in accordance with the previous policy and the concept of sustainable development. Reliance in regard of the aforesaid is placed upon the ratio laid down by the Division Bench of this Court in **East India Hotels Limited v. State of Rajasthan, 2001 (2) WLC (Raj.) 249.**

7. It is further submitted that numerous hotels have constructed properties in the nearby area, even on agricultural lands, without any appropriate permissions. The construction of the petitioner's hotel property is not distinct or different from these nearby hotels.

8. It is further submitted that the respondents have adopted a pick and choose policy, targeting the petitioner, who is a hotelier and commenced the project in 2018, much before the introduction of the previous policy.

9. Learned Senior Counsel submits that as the inspection report has just been filed, they require time to analyze the same to make further appropriate submissions.

III. Submissions on behalf of the Respondents:

i. Union of India:



10. Learned ASG, Mr. Bharat Vyas, appearing for the Union of India, along with other necessary parties and stakeholders, have not marked their presence despite the matter being listed at the Top of the Board and their presence being essential. The associate counsel has prayed for an adjournment. However, it was previously argued by the learned ASG that the Union of India, Ministry of Environment, Forest and Climate Change (MoEFCC), and pollution control authorities were never consulted or made stakeholders in this policy.

ii. State of Rajasthan:

11. Mr. Mahaveer Bishnoi, learned AAG, has marked his appearance and submits that the State requires time to go through the inspection report to make their submissions.

iii. Udaipur Development Authority:

12. Mr. Vijay Purohit, learned counsel appearing for the UDA, has reserved his arguments pending the analysis of the inspection report supplied during the course of the day. He, however, places reliance upon the dictum laid down by the Hon'ble Supreme Court in **Pune Cantonment Board v. M.P.J. Builders, (1996) SCC 5 348** to contend that 'permission' includes extended permission, which did not exist in the present case. He seeks time to study the matter and file an appropriate response regarding the allegations of hostile discrimination and the pick and choose method.

IV. Observations of the Court:

13. This Court has carefully considered the arguments, analyzed the inspection report, and examined the aerial photography.



14. While going through the present roster, the Court is deeply pained to observe that the city of Udaipur, historically renowned for its lakes, mountains/hills (Magris), and wildlife sanctuaries, has been reduced to a pitiable state. Under the guise of the sustainable development theory and arbitrarily crafted policies, hundreds of hotels, resorts, and commercial properties have mushroomed near sanctuaries, sensitive ecosystems, lakes, and upon the hills.

15. These developments are being facilitated by policies, such as the hill policy, drafted by entities lacking any expertise. While Article 21 of the Constitution of India guarantees the right to a quality of life, and Articles 14 and 19 provide for equality and the freedom to carry out business and trade, these rights are subject to reasonable restrictions, particularly under the Public Trust Doctrine.

16. This Court takes note of the fact that an earlier Public Interest Litigation filed before the Division Bench of this Court in **DB CWP No. 1374/2019** titled **Jheel Sanrakshan Samiti v. State of Rajasthan & Ors.** addressing similar issues was disposed of vide order dated 24.08.2023. That closure was based entirely upon State undertakings and obligations that they would implement the Public Trust Doctrine in letter and spirit and formulate apt policies.

17. It is shocking to the conscience of the Court that the State has instead authored a policy completely devoid of application of mind, expertise, or Research & Development, instigated merely by the support services of a private agency, and completely



bypassing the Ministry of Environment, Climate, Wildlife, and Pollution control boards.

18. Considering the shocking revelations that have come to light while entertaining the present roster, particularly concerning the ecological survival of the city of Udaipur, this Court issues the following directions:

i. On the next date of hearing, this Court will not only hear the present matter on merits but, taking a holistic view, will also consider whether a *suo moto* Public Interest Litigation ought to be registered, invoking the Public Trust Doctrine for the larger public interest of the citizens and residents of the Udaipur district.

ii. The respective counsels are expected to remain present without seeking any adjournments on the next date of hearing.

iii. Considering the sheer gravity of the matter, the concerned competent authorities are directed to remain personally present in the Court along with the complete statistical facts and original records.

iv. The appointed Court Commissioners are also directed to remain present in the Court on the next date of hearing to render further assistance. This Court acknowledge and appreciate the efforts of the Commissioners who have submitted the interim report.

19. The inspection report dated 21.07.2026, along with the pen drive, is taken on record.

20. Learned Court Commissioners are directed to supply complete set of the Commissioner's report to the respective sides in *toto*.



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21. The costs incurred by the Commissioners for carrying out the inspection and other expenses shall be borne equally by the respective sides and the said amount must be paid promptly.

22. Additionally, the respondents are directed to place the following documents and records before this Court on the next date of hearing:

i. Complete details of all construction/commercial permissions granted in the nearby vicinity of the petitioner's property, along with the names and designations of the top officers who granted such permissions.

ii. The name of the author of the impugned Hill Policy of 2018 and author of the Hill Policy of 2024, along with all related primary documents.

iii. The entire record pertaining to the creation of the said hill policies, their rationale, and the private agency's report qua the said Hill policies.

23. With the aforesaid directions being issued, list the matter on 28.07.2026 at the Top of the Board in the supplementary cause list.

(SAMEER JAIN),J

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