

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

D.B. Civil Writ Petition No. 18841/2019

Balaji Nagar Vikas Samiti,

----Petitioner

Versus

1. Jodhpur Development Authority, Through Its Secretary, J.D.A. Jodhpur.
2. Deputy Commissioner (South), Jodhpur Development Authority, Jodhpur.
3. Shyam Lal S/o Shri Phusaram R/o Shiv Guna Basni Nikoba, Nandadi Kala, Jodhpur.
4. Smt. Shital Phophaliya W/o Akhil Phophalia R/o 36, Durga Vihar, Pal Link Road, Jodhpur.
5. State of Rajasthan through Secretary, Department of Revenue, Government of Rajasthan, Jaipur.

----Respondents

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| For Petitioner(s) | : | Mr. Moti Singh |
| For Respondent(s) | : | Mr. Sunil Beniwal, AAG Mr. Aniket Tater for Mr. Manoj Bhandari, Sr. Adv. Mr. Bharat Boob |

**HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI**

Order

09/02/2022

By way of this writ petition in the nature of Public Interest Litigation (PIL), the petitioner society has approached this Court seeking direction for removal of encroachments from a land allegedly to be that of the park/public utility in Khasra No.199, Pal Balaji Nagar, Jodhpur.

The private respondents who were impleaded by effect of order dated 7.4.2021 have demonstrated that the land on which they are alleged to be the encroachers as a matter of fact comprises of Plot No.59A and that they have a valid title thereof. This Court is apprised that a civil suit has been filed by the private respondents, wherein, the trial court has granted interim injunction in their favour.

In this view of the matter, manifestly, the disputed question of fact regarding title of the plot in question cannot be gone into by this Court while exercising its extraordinary writ jurisdiction. The issues definitely require decision of the civil court. Hence, the civil court is required to expedite the proceedings in the pending TI application.

Needless to say that after the outcome of the temporary injunction application, the parties shall be at liberty to take recourse of the suitable remedy for redressal of their grievances.

The instant PIL is disposed of in these terms.

(VINOD KUMAR BHARWANI),J

(SANDEEP MEHTA),J

14-RP/-

सत्यमेव जयते