

ITEM NO.32 Court 8 (Video Conferencing)

SECTION XV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CIVIL) Diary No(s). 25083/2020

(Arising out of impugned final judgment and order dated 20-12-2016 in DBCWP No. 13467/2016 passed by the High Court Of Judicature For Rajasthan At Jodhpur)

KHETA RAM & ORS.

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN & ORS.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.133979/2020-CONDONATION OF DELAY IN FILING and IA No.133981/2020-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.133983/2020-EXEMPTION FROM FILING O.T. and IA No.133978/2020-PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No.133980/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 04-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL
HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Vikesh Rathi, Adv.
Mr. Varun Thakur, Adv.
Ms. Rupali Sharma, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Permission to file SLP is granted.

Delay condoned.

In a Public Interest Litigation, the Division Bench of the

Rajasthan High Court by an order dated 20.12.2016 dealt with the issue of residential settlements stated to have come up in the catchment areas. The concerned authorities were directed to take appropriate action within three months of the order.

The villagers who were affected by the order dated 20.12.2016 being the residents in two Khasra Nos.523 and 476 moved the High Court claiming that they were sought to be removed in pursuance to the orders passed on 20.12.2016. It was their say that agricultural land had been acquired for purposes of augmentation of facilities of the Air Force and hardly any land remained near the Abadi area. The Division Bench took a sympathetic view of the matter while recording that no construction in the catchment area was permissible which would restrict flow of rain water. The Court found there were conflicting interests but despite the considerable period of delay and the applicants being from the marginalized community, sought to balance equities. It directed vide order dated 08.10.2018 that the State Government would be relieved of the Mandamus issued on 20.12.2016 and substituted it with a direction that within six months the State would identify Abadi land where occupants of land falling in the two khasra numbers could be shifted. Financial assistance required by BPL families was also provided for and till this process of rehabilitation was completed, the order dated 20.12.2016 was not to be enforced.

The present petitioners have after considerable delay now approached this Court by filing a Special Leave Petition against both the aforesaid orders stating that they are occupants of the two Khasra numbers and are sought to be now displaced. In fact,

they cannot and do not really have a grievance against the latter order dated 08.10.2018 but it is their say that the earlier order dated 20.12.2016 is being enforced by notices being sent to them without reference to the latter order.

We fail to appreciate why the petitioners have approached this Court - obviously being legally incorrectly advised. We may also note that as per the learned counsel the petitioners have already filed an application for impleadment in the Contempt. It is for the petitioners to draw the attention of the High Court to the fact that some notices have been issued, which according to them are in violation of order dated 08.10.2018. The remedy cannot be by filing the present Special Leave Petition.

We thus, dismiss the Special Leave Petition with liberty to the petitioners to agitate their grievance in the proceedings before the High Court.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR