
(2013) 04 RAJ CK 0102
In the Rajasthan High Court
Case No : PIL Petition No. 6475 of 2013

Kailash Yogi and Others

APPELLANT

Vs

The State of Rajasthan and Others

RESPONDENT

Date of Decision : 29-04-2013

Acts Referred:

Citation : (2013) 3 WLN 288

Hon'ble Judges : Amitava Roy, C.J.;Veerendr Singh Siradhana, J

Bench : Division Bench

Advocate : Jai Kishan Yogi, for the Appellant;

Final Decision : Disposed Off

Judgement

Amitava Roy, C.J.—Heard Mr. Jai Kishan Yogi, learned counsel for the petitioners. For the order proposed to be passed, it is not considered necessary to issue formal notice to the opposite party.

2. The petitioners, who belong to the "Nath" community, are before this Court with the grievance that some persons, as named in the writ petition alongwith others forming an unlawful assembly, have encroached upon an area of Gair Mumkin Shamshan land measuring 0.21 hectares covered by khasra No. 1859/2 situated at Village Jaje Kalan, Tehsil Shahpura, District Jaipur have destroyed existing construction thereon and have been making arrangements to lay a path way thereupon. Contending that this plot of land had been used for cremations of the members of their community since long and that inspite of representations being made by them before the Sub-Divisional Officer, Shahpura, Jaipur and Officer Incharge of Shahpura Police Station on 01.03.2013 to remedy their grievances no steps have been taken. The petitioners have approached this Court for intervention.

3. Upon hearing the learned counsel for the petitioners and on a prima facie consideration of the materials on record, we are of the view that it would meet the ends of justice if this petition is disposed of with a direction to the District

Collector, Shahpura, Jaipur to cause an enquiry to be made into the facts as recited in the representation(s) referred to hereinabove and take appropriate action as required in law within a period of three weeks from the date of receipt of this order. The authority entrusted to conduct the enquiry would issue a notice in connection therewith to the petitioners and thereafter take necessary steps as is considered appropriate, however, strictly with due regard to the procedure prescribed by law. The authority concerned would ensure that the exercise, as ordered, is completed within the time frame fixed by this Court. The decision so taken would be communicated to the petitioners in writing immediately thereafter. The writ petition stands disposed in these terms.