

(2013) 08 RAJ CK 0117
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2766/2013

Om Prakash Prajapat

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 01-08-2013

Acts Referred:

Citation : (2014) 1 WLN 34

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Final Decision : Disposed Off

Judgement

Dr. Vineet Kothari, J.—The grievance raised by the petitioner in the present writ petition is that the respondent No. 4, M/s. Arihant Builders, has illegally encroached over the public land in the road area beyond its allotment of land for setting of industry in question. Mr. B.S. Bhalasria, learned counsel appearing on behalf of petitioner submitted that even though the encroachment made by the private respondent No. 4 was removed by the Municipal Board, Balotra, however, the said respondent No. 4 has again encroached over the public road and, therefore, he has sought a direction in the nature of mandamus to the respondents.

2. Having heard the learned counsel for the petitioner, this Court is of the opinion that the present controversy cannot be decided in writ jurisdiction as the same requires leading of the evidence on the facts alleged. The petitioner is at liberty to avail appropriate remedy of civil suit for seeking such relief. The extraordinary jurisdiction of this Court under Art. 227 of the Constitution of India cannot be invoked in the matter. The writ petition is accordingly, dismissed. No costs. A copy of this order be sent to the concerned parties forthwith.