

(2020) 03 RAJ CK 0106

In the Rajasthan High Court

Case No : Civil (PIL) Writ Petition No. 18443 Of 2019

Satyanarayan

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-03-2020

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2020) 03 RAJ CK 0106

Hon'ble Judges : Indrajit Mahanty , J;Dr. Pushpendra Singh Bhati, J

Bench : Division Bench

Advocate : Vasu Dev Gaur, Rekha Borana, Vasali Parihar, Harshit Bhurani

Final Decision : Dismissed

Judgement

1. This writ petition, in the form of public interest litigation, under Article 226 of the Constitution of India has been preferred claiming the following reliefs:

" (i) By an appropriate writ, direction or order, the respondent authorities be directed to remove the encroachment pasture land falling in Khasra No.584 in Village Panchodi, Tehsil Khinvsar, District Nagaur.

(ii) Any other appropriate direction or order which this Hon'ble Court deems fit in the facts and circumstances of the case may kindly be granted.

(iii) Cost of this writ petition may kindly be awarded in favour of the petitioner."

2. Mr. Vasu Dev Gaur, learned counsel for the petitioner submits that there is direct encroachment on the Gochar land by the government school.

3. Ms. Rekha Borana, learned Additional Advocate General appearing for the State/respondents however, submits that khasra No.584 of Village Pachodi, Tehsil Khinvsar is recorded as Gochar land.

4. Learned Additional Advocate General further submits that the land of khasra No.584/1058 of Village Pachodi, Tehsil Khinvsar was allotted to the government

school for construction of playground, which is also clear from the Jamabandi on record.

5. Learned Additional Advocate General also submits that the government school playground was being constructed only in Khasra No.584/1058.

6. Learned Additional Advocate General further submits that the petitioner's complaint on Sampark Portal of the State Government was investigated by the patwari concerned and a Mauka report was prepared clearly indicating that the government school playground was being constructed in Khasra No.584/1058, which was not part of a Gochar land.

7. Learned Additional Advocate General also submits that after receiving the notice from the Court, the concerned patwari again investigated the site and found that there was no encroachment on the land of khasra No.584, which was Gochar land of Village Pachodi and the playground of the government school was being constructed only in khasra No.584/1058.

8. After hearing learned counsel for the parties as well as perusing the record of the case, this Court does not find any substance in the present public interest litigation, as it is a categorical stand taken by the State/respondents that the government school play ground, construction whereof has been challenged, was being constructed in khasra No.584/1058 of Village Pachodi, Tehsil Khinvsar and not on the Gochar land, which is khasra No.584. Moreover, the aforementioned reports of the concerned patwari are also on record, which are not rebutted by the petitioner.

9. With the aforesaid observations, the present petition is dismissed.