

Jai Kumar Sharma and ors. Vs. State of Rajasthan and ors.

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Court : Rajasthan

Decided On : Apr-22-2003

Reported in : RLW2003(4)Raj2489

Judge : Ashok Parihar, J.

Acts : [Constitution of India](#) - Article 226

Appeal No. : S.B. Civil Writ Petition No. 1773 of 2003

Appellant : Jai Kumar Sharma and ors.

Respondent : State of Rajasthan and ors.

Advocate for Pet/Ap. : G.L. Pareek, Senior Adv. and; Saket Pareek, Adv.

Disposition : Writ petition dismissed

Judgement :

Parihar, J.

1. Petitioner has challenged the notice dated 30.1.2003 issued by respondent No. 2 directing the petitioner to remove encroachment from the road, specifying the same in the notice. It has been submitted by counsel for the petitioner that in spite of temporary injunction been granted by trial court, the notice has been issued by the respondent No. 2.

2. After having considered entire facts and circumstances of the present case, since the petitioner has already approached and availed a remedy of filing a suit before the trial Court and some interim orders have also been passed, no interference is called for by this Court under its writ jurisdiction in the present matter. Even otherwise the Courts should not be a party encourage encroachment on the public land, more specifically the roads and lanes. By passing interim orders in such matters would only lower down the image of the Courts. Even any efforts are made by public authorities to regularise such unauthorised constructions, the same are highly depreciable.

3. The writ' petition is dismissed accordingly as having no merit. Copy of this order may also be sent to respondents immediately.

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