

Rajkumar Taluka and anr. Vs. the Jaipur Development Authority Tribunal and ors.

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Court : Rajasthan

Decided On : Apr-27-2009

Reported in : 2009(3)WLN33

Judge : Deepak Verma and; Narendra Kumar Jain, JJ.

Appellant : Rajkumar Taluka and anr.

Respondent : The Jaipur Development Authority Tribunal and ors.

Judgement :

Deepak Verma, C.J.

1. With consent, arguments heard on merits. Record perused.

2. This appeal is at the instance of petitioners against the order dt. 27.03.2006 passed by the learned Single Judge in their writ petition No. 2463/1996, whereby and where-under direction has been issued to the Jaipur Development Authority (J.D.A.) to reconsider the approval of map granted in favour of the appellants strictly in accordance with the provisions of law and then only shall proceed further.

3. The learned Counsel for the appellants submitted that in the light of the provisions contained in Section 17(4) of the Jaipur Development Authority Act,

1982 (here-in-after shall be referred to as 'the Act'), only State Government has have the power to reconsider the approval of map and J.D.A. does not possess any such powers to reconsider the grant of map in favour of the appellants.

4. We have also gone through the provisions of Section 17(4) of the Act, but do not find that J.D.A. has any power to reconsider the grant of permission for construction as per the map in favour of the appellants. The said power appears to have been conferred only on the State Government.

5. Despite our query having been made to the learned Counsel for the respondent No. 1, he was not able to bring any Notification to us, whereby J.D.A. would have power to reconsider the map, which has been sanctioned in favour of the appellants.

6. That being so, we modify the impugned order passed by the learned Single Judge and direct that instead of J.D.A., the matter would be placed before the State Government to reconsider the approval of map granted in favour of the appellants, strictly in accordance with the provisions of law and then to proceed further.

7. With this modification, this appeal stands allowed to this extent and stands disposed of, but no order as to costs.

8. In the light of aforesaid final order, the appellants' application filed under Order 41 Rule 27 CPC also stands disposed of.

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