

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 6390/2020

Suresh Thanvi S/o Shri Ramkishan, Aged About 64 Years, Resident Of 'Shri Hari', Plot No. 463, Street No. 2, Milkmen Colony, Pal Road, Jodhpur (Raj.).

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Local Self Government, Jaipur (Raj.).
2. Municipal Corporation, Jodhpur, Through Its Commissioner.
3. Jodhpur Development Authority, Through Its Secretary.

----Respondents

For Petitioner(s) : Mr. Avin Chhangani.

For Respondent(s) : Mr. Rajesh Panwar through VC
Mr. Sunil Beniwal, AAG through VC.
Mr. Aniket Tater for
Mr. Manoj Bhandari, through VC.

**HON'BLE MR. JUSTICE SANDEEP MEHTA
HON'BLE MR. JUSTICE VINOD KUMAR BHARWANI**

Order

17/01/2022

We have heard and considered the submissions advanced at bar and, have gone through the material available on record.

The petitioner Suresh Thanvi has approached this Court by way of this writ petition in the nature of PIL with the following prayers:

"It is, therefore, most respectfully prayed that this Hon'ble Court be pleased to issue a writ or order:-

(i) directing the respondents/authorities to prevent/stop the use of the afore-mentioned public park for any private purpose including use as Marriage Hall or as a cattle ranch;

(ii) to prevent/stop any illegal construction in the said public park which is indisputably a public land and demolish the illegal construction already raised;

(iii) to direct the respondents/authorities, particularly, respondent No.2 to ensure proper development and maintenance of the public park in question, keeping in mind the battle against Covid-19."

The grievance which the petitioner has raised in this writ petition is that the land reserved for public park is being put to other commercial uses *viz.* marriages parties, etc. in contravention of the directions given by this Court in the case of ***Gulab Kothari Vs. State of Rajasthan (D.B. Civil Writ Petition No.1554/2004) decided on 12.01.2017.*** A grievance has also been raised that unauthorised constructions have been raised on the land in question and hence, the same should be ordered to be demolished.

The respondent Municipal Corporation, Jodhpur, in reply to the writ petition, has admitted existence of the public park between the Street No.1 and Street No.2, Opposite Plots No.467 and 468, Milkmen Colony, Jodhpur regarding which, the petitioner has raised this grievance. Regarding the allegation of illegal construction, it is stated in the reply that a hall was constructed by the JDA on a piece of land adjoining the park whereas, the first floor was constructed by the Municipal Corporation with some public toilets/ urinals. The construction was raised 3-4 years ago and an assurance has been given in the reply that no further construction activities shall be undertaken in the land of park.

In view of the above undisputed position, it is hereby directed that the respondent No.2 Municipal Corporation, Jodhpur shall ensure that the land in question shall be strictly used as a public park and no deviation shall be permitted in this regard. No commercial activities *viz.* marriages/ parties, etc. shall be allowed thereupon. The Municipal Corporation shall develop the park by tree plantation and by planting lawn, etc. therein. The Municipal Corporation shall also install open air gym equipments in the park so that the residents of the locality can use the same for their health benefits.

The writ petition (PIL) is disposed of in the above manner. Stay application also stands disposed of.

No order as to costs.

(VINOD KUMAR BHARWANI),J

(SANDEEP MEHTA),J

60-Tikam/-

सत्यमेव जयते