BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL

Original Application No. 115/2013 (THC) (CZ)

Roop Vihar Nagrik Vikas Samiti Vs. State of Rajasthan & Ors.

CORAM: HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER

HON'BLE MR. P.S.RAO, EXPERT MEMBER

PRESENT: Applicant: None appeared

Rajasthan State: Shri Sandeep Singh, Advocate Respondent No. 3: Shri Om S. Shrivastav, Advocate

Date and Remarks	Orders of the Tribunal
Kemarks	10.00
Order no. 3 18 th February,	This petition is originally filed as a Writ Petition before the
2014	Hon'ble High Court of Rajasthan. The Applicant had raised the
	dispute with regard to keeping the open space in plot no. 3-B as
Part !	children park / green belt in Sewage Farm, New Sananger Road,
V .	Jaipur stating that the same had been earmarked for the said purpose
	only. Having been issued with notices by the Hon'ble High Court of
24	Rajasthan, Jaipur Development Authority (JDA) has filed their reply.
21	The Respondent No. 5 Pink City Heritage Resort has moved Misc.
	Application for being impleaded as party and also submitted its
	reply. Neither, the Applicant nor the Respondent No. 5 has chosen
	to appear before the Tribunal. We find from the perusal of the reply
	filed by the Respondent No. 5 that plat 3-B has been auctioned by
	the JDA in favour of the Respondent No. 5 and the Respondent No.5
	has developed the same by raising construction. It has further been
	stated by filing a site plan at Annexure R-5/4 that out of the total
	area of 38500 sq. mtr, re-planning was done for 25240 sq. mtrs. of
O.A. No.	

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area and 3 residential plots were carved out as plot no.3, 3A & 3 B. It has been alleged that on both in plot no 3 & plot no. 3A that residential apartments (Group Housing) known as Mahavir Resi I & II have already been developed and about more than 250 residential units which were constructed, are now fully occupied. It has further been stated that plot No. 3-B which was purchased by the Respondent No.5 on being put to auction by the JDA, has been developed by the Respondent No. 5 raising construction on the same. It has further been stated that towards the south at the intersection of 2 roads of 60 ft. wide, a park has been developed in the area 7839 sq. Mtrs.

We find that the JDA in its reply filed on 25.07.2012 in para 6 has stated that a park has been developed by leaving a 'Suvidha Khetra' for park etc. on a area 4100 sq. mtrs. of land.

Since two averments are not reconcilable, the Learned Counsel for the JDA is directed to file an affidavit along with layout plan and presently existing situation indicating the size and location of plots no. 3, 3-A,3-B as well as 'Suvidha Khetra' / park area indicating specifically the area on which the construction has been raised upon, space left in plot no. 3, 3-A & 3-B as also the position with regard to the fourth plot as the inter section of the two roads of 60 ft. wide which as per the Respondent No. 5 was 7839 sq. mtrs. and which as per the JDA has been reduced to 4100 sq. mtrs.

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The JDA should also answer whether originally the fourth plot at the intersection of the roads as shown in the site plan at Annexure – 5/4, was meant to be that of 7839 sq. mtrs. in the approved plantof the JDA and in what manner the same has came to be reduced to 4100 sq. mtrs. as mentioned in para 6 of their reply and the JDA shall also give the layout of the development carried out on the fourth plot which as per their reply is 4100 sq. mtr. including development of park etc. on the same and whether any plantation has been carried out over the same.

List the matter on **02.04.2014**.

