

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

S.B. Civil Misc. Appeal No. 3428 / 2017

Madan Lal Son of Shri Jaychand Lal, Through Special Power of Attorney Holder Shri Prem Kumar Son of Shri Ramchandra, Aged About 55 Years, By Caste Saini, Resident of Ward No. 01, Dhani Sikhan, Nohar, Tehsil Nohar, District Hanumangarh (Raj.).

----Appellant



Versus

1. State of Rajasthan Through Collector, Churu (Raj.)

2. Tehsildar Revenue, Taranagar, District Churu (Raj.)

3. Sainik Basti (Residential Colony), Municipal Board, Taranagar, District Churu (Raj.) (Delete)

4. Municipal Board, Taranagar Through Its Executive Officer, Taranagar, District Churu (Raj.)

5. Chairman, Municipal Board, Taranagar, District Churu.

6. Government Sanskrit Primary School, Through Headmaster, Government Sanskrit Primary School, Taranagar, District Churu.

7. Sub-Registrar, Taranagar, District Churu.

----Respondents

For Appellant(s) : Mr. RK Thanvi Senior Advocate assisted by

Mr. Narendra Thanvi

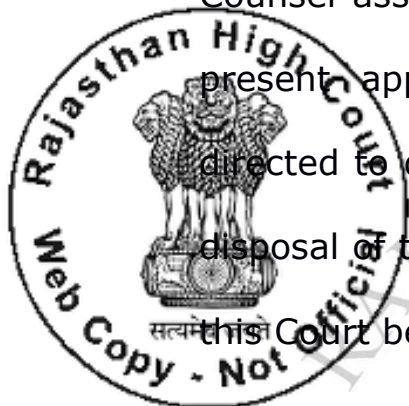
Mr. Deepak Kankar

Mr. Prem Kumar Saini – Power of Attorney holder of Mr. Madan Lal (Appellant)

For Respondent(s) : Mr. DS Rajvi

JUSTICE DINESH MEHTA**Order****12/03/2018**

After hearing for some time, Mr. RK Thanvi learned Senior Counsel assisted by Mr. Narendra Thanvi, instead of pursuing the present appeal, alternatively prayed that the Trial Court be directed to decide the suit within a period of six months and until disposal of the suit, the interim order dated 20.12.2017 passed by this Court be ordered to continue.



Opposing such request, Mr. DS Rajvi submitted that the Municipal Board, Taranagar has floated a welfare scheme for allotment of plots in the subject land to the ex-servicemen and if the interim order passed by this Court is continued, it will hamper the development work and rights of the ex-servicemen, who are anxiously waiting for the allotment of the plots. He added that even otherwise, the completion of the scheme and process of allotment of the plots is likely to take some time, while informing that the applications have been invited and requisite money has been deposited by the applicants.

In the backdrop of these facts, Mr. Rajvi prayed that the Municipal Board be allowed to go ahead with the process and appeal be dismissed.

After hearing learned counsel for the parties and having regard to the facts and circumstances obtaining in the present case, this Court deems it appropriate; expedient; and in the

interest of justice to direct the Trial Court to decide the suit as early as possible preferably, before 31.12.2018.

During such time, the Municipal Board may proceed with the allotment and other formalities, including grant of title document and possession to the allottees. However the construction permission to the allottees shall not be granted upto 31.12.2018,

so that further complication be avoided and balance of equity be maintained.

All the concerned parties undertake to cooperate the Trial Court in expeditious disposal of the suit in question. Needless to observe that except for the small indulgence/amendment stated hereinabove, the order passed by the Trial Court is kept intact and affirmed.

The appeal stands disposed of.

(DINESH MEHTA), J.

Himanshu/- 63



सत्यमेव जयते

