

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

S.B. Civil Writ Petition No. 3260 / 2016

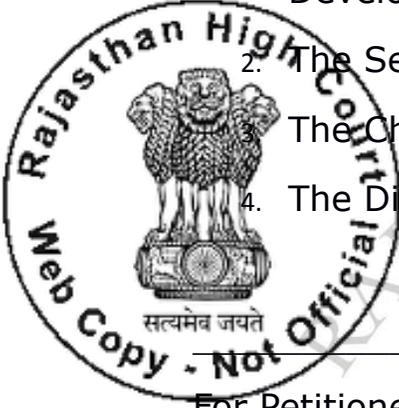
Abhishek Kumar Gaur S/o Shri Dilip Kumar Gaur R/o A-14 Shastri
Nagar, Bikaner.

----Petitioner

Versus

1. State of Rajasthan through the Secretary to the Urban
Development Department, Secretariat, Jaipur.
2. The Secretary, Urban Improvement Trust, Bikaner.
3. The Chief Executive Officer, Municipal Corporation Bikaner.
4. The District Collector, Bikaner.

----Respondent



For Petitioner(s) : Mr. Manoj Bhandari

For Respondent(s) Mr. S.S. Ladrecha-AAG

Mr. Rajeev Purohit

For Applicants : Mr. Ravi Bhansali Sr. Advocate assisted by

Mr. Dhanesh Saraswat and Mr. Navneet
Singh

HON'BLE MR. JUSTICE VIJAY BISHNOI

Judgment / Order

11/10/2017

The matter comes up for consideration of an application (APPLW No.5241/17) preferred on behalf of 54 persons with a prayer for being impleaded as party respondents in this writ petition.

The applicants are claiming that pursuant to the direction given by this Court on 19.09.2017, the UIT, Bikaner while issuing notices to all the residents of Sadulganj area has directed that the encroachment made by any person be removed and as such the

applicants are the affected parties by the said direction.

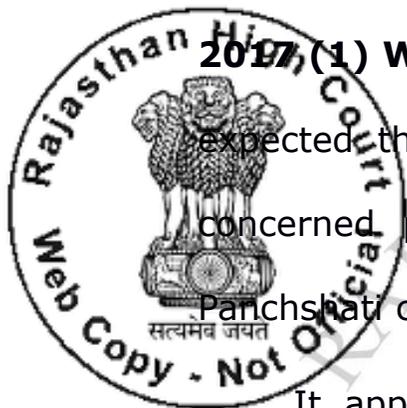
This Court vide order dated 19.09.2017 has granted time to the UIT, Bikaner to submit detailed report regarding measures carried out by it for removing the encroachment in Panchsati circle area, after the decision rendered in the case of **Gulab Kothari Vs. State of Rajasthan** decided on 12.01.2017 **reported in**

2017, (1) WLC (Raj.562). The Court has also observed that it is expected that UIT, Bikaner shall take all measures to restrain concerned persons from making further encroachment in the Panchsati circle area.

It appears that pursuant to the aforesaid order, the UIT, Bikaner has issued a public notice dated 29.09.2017 and being aggrieved with the same, the applicants have filed the application (APPLW No.5241/17).

Having heard the learned counsel for the applicants, learned counsel for the petitioner and the learned counsel for the respondent-UIT Bikaner, this Court is of the opinion that the applicants are neither necessary nor proper party for the purpose of adjudication of this writ petition, as the petitioner is essentially seeking mandamus against the UIT, Bikaner to remove the encroachment in the notified Sadulganj area of Bikaner.

It is observed that if the applicants have any independent right to remain in possession over any land in the Sadulganj area of Bikaner then they are free to claim their right before the UIT, Bikaner and it is expected that the UIT, Bikaner shall consider the claim of applicants in accordance with law. Otherwise also if the applicants are aggrieved by notice issued by the UIT, Bikaner



they are free to avail proper remedy available to them under the law.

In the facts and circumstances of the case, the application (APPLW No.5241/17) preferred on behalf of the applicants cannot be granted, hence the same is dismissed.

(VIJAY BISHNOI)J.



सत्यमेव जयते