HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No.17384/2026
CNR: RJHC020845182026 | URN: CW / 36396U / 2026

Shankar S/o Hanuman Aged About 56 Years, R/o Village Kanakpura, Jaipur, Rajasthan.

----Petitioner

Versus

Jaipur Development Authority, Through Its Secretary, Indira Circle, Jawahar Lal Nehru Marg, Jaipur.

----Respondent

For Petitioner(s)	:	Mr. Mohit Khandelwal
For Respondent(s)	:	Mr. Rishabh Khandelwal

JUSTICE ANOOP KUMAR DHAND

Order

02/09/2026

1. The instant writ petition has been preferred against the impugned order dated 20.08.2026, passed by the Appellate Tribunal, Jaipur Development Authority, Jaipur whereby the interim prayer made by the petitioner for passing of a stay order has been declined. The matter has been posted for 10.09.2026 for obtaining the reply of the Jaipur Development Authority (for short "JDA") and for hearing of the arguments of the parties.

2. Learned counsel for the petitioner submits that aggrieved by the action of the respondent-JDA, the petitioner preferred a statutory appeal under Section 83 of the Jaipur Development Authority Act, 1982 before the Appellate Tribunal, JDA along-with an application seeking temporary injunction and appropriate interim protection. However, while keeping the said application pending, the Appellate Tribunal has declined to grant any interim

relief in favour of the petitioner and rejected the prayer for interim protection vide impugned order dated 20.08.2026. Learned counsel submits that unless and until interim protection is granted to the petitioner, the whole purpose of filing the statutpry appeal would be frustrated. Hence, under these circumstances, appropriate orders be passed.

3. *Per contra*, learned counsel appearing on behalf of the respondent-JDA opposed the arguments raised by learned counsel for the petitioner and submitted that an application for temporary injunction submitted by the petitioner along-with the statutory appeal is still lying pending before the Appellate Tribunal for its adjudication on merits and the next date fixed before it for hearing the arguments is 10.09.2026. Hence, under these circumstances, interference of this Court is not warranted.

4. Heard and considered the submissions made at the Bar and perused the material available on record.

5. Considering the rival submissions made by learned counsel for the parties and without expressing any opinion on the merits of the matter, this Court is of the view that the instant matter is required to be adjudicated on its merits by the Appellate Authority. Any of the observations made by this Court while entertaining the instant petition may prejudice the rights of the either side. Hence, considering overall facts and circumstances of the case, this Court deems it just and proper to dispose of the instant writ petition by issuing directions to the Appellate Tribunal, JDA to decide the stay application submitted by the petitioner on the next date of hearing i.e. 10.09.2026 and in case, due to paucity of time, the stay

application is not decided on the said date, then a subsequent short date may be fixed for the aforesaid purpose.

6. With the aforesaid observations, the instant writ petition stands disposed of. Stay application as well as all pending applications, if any, also stand disposed of.

(ANOOP KUMAR DHAND),J

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