



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

S.B. Civil Writ Petition No. 6519/2023

Shaitan Singh S/o Kesar Singh, Aged About 57 Years, R/o.New
Delwara, Bheel Colony, Mount Abu, District Sirohi.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self Government, Government Of Rajasthan, Shivaji Nagar, Jaipur Rajasthan.
2. Municipal Board Mount Abu, Through Its Commissioner.
3. District Collector, Sirohi.
4. Sub Divisional Magistrate, Mount Abu.

----Respondents

Connected With

S.B. Civil Writ Petition No. 1174/2019

Smt. Dariyakanwar W/o Sh. Shaitan Singh, Aged About 50
Years, By Caste- Rajput, R/o New Delwara, Mount Abu, Dist.
Sirohi (Raj.). 307501

----Petitioner

Versus

1. The Commissioner, Municipal Board, Mount Abu, (Raj.).
2. The District Collector, Sirohi, Rajasthan.
3. The Divisional Commissioner Jodhpur And Chairman, Monitoring Committee, Divisional Commissioner Office, Jodhpur.
4. The Director And Local Boies And Local Self Government Ministry Of Urban Development And Housing, Government Of Rajasthan, Jaipur.
5. Union of India through the Secretary, Ministry of Environment Forest and Climate Change Indira Paryawarn Bhawan, Jorbagh, New Delhi -11000.

----Respondents

S.B. Civil Writ Petition No. 1921/2019

1. Vimal Kumar Dengla S/o Sh. Mahesh Chandra Dengala,



Aged About 45 Years, By Caste- Vaishya, R/o New Delwara, Mount Abu, Dist. Sirohi, (Raj.).

2. Smt. Kajal Dengla W/o Sh. Vimal Dengla, Aged About 44 Years, By Caste- Vaishya, R/o New Delwara, Mount Abu, Dist. Sirohi, (Raj.).

-----Petitioners

Versus

1. State Of Rajasthan, Through Secretary, Urban Development And Housing Department, Government Of Rajasthan, Jaipur.
2. The Director, Local Self Government, Government Of Rajasthan, Jaipur.
3. The Divisional Commissioner, Jodhpur And Chairman, Monitoring Committee, Divisional Commissioner Office, Jodhpur.
4. The District Collector, Sirohi, Rajasthan.
5. The Commissioner, Municipal Board, Mount Abu.
6. Union of India through the Secretary, Ministry of Environment Forest and Climate Change Indira

Paryawarn

Bhawan, Jorbagh, New Delhi -11000.

-----Respondents

S.B. Civil Writ Petition No. 1092/2021

Smt. Daryav Kanwar W/o Shri Shaitan Singh, Aged About 51 Years, By Caste Rajput, R/o New Delwara, Mount Abu, District Sirohi (Raj.) 307501.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self Department, Government Of Rajasthan, Shivaji Nagar, Jaipur (Raj.).
2. The Commissioner, Municipal Board, Mount Abu, Sirohi (Raj.).
3. Union of India through the Secretary, Ministry of Environment Forest and Climate Change Indira Paryawarn Bhawan, Jorbagh, New Delhi -11000.

-----Respondents



S.B. Civil Writ Petition No. 1985/2021

Dilip Singh Thakur S/o Thakur Shri Anant Ram Singh, Aged About 55 Years, By Caste Rajput, R/o New Delwara, Mount Abu, District Sirohi (Raj.) 307501.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self Department, Government Of Rajasthan, Shivaji Nagar, Jaipur (Raj.).
2. The Commissioner, Municipal Board, Mount Abu, District Sirohi (Raj.).
3. Union of India through the Secretary, Ministry of Environment Forest and Climate Change Indira Paryawarn Bhawan, Jorbagh, New Delhi -11000.

-----Respondents

S.B. Civil Writ Petition No. 2484/2021

Atanu Jana S/o Shri Sudhanshu Shekar Jana, Aged About 34 Years, R/o.New Delwara, Mount Abu, District Sirohi (Raj.) 307 501

-----Petitioner

Versus

1. State Of Rajasthan, Through Secretary, Local Self Department, Government Of Rajasthan, Shivaji Nagar, Jaipur (Raj.)
2. The Commissioner, Municipal Board, Mount Abu (Raj.)
3. Union of India through the Secretary, Ministry of Environment Forest and Climate Change Indira Paryawarn Bhawan, Jorbagh, New Delhi -11000.

-----Respondents

S.B. Civil Writ Petition No. 13582/2022

Dinesh Thakur S/o Thakur Shri Anant Ram Singh, Aged About 57 Years, By Caste Rajput, R/o New Delwara, Mount Abu, District Sirohi (Raj.) 307501

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self Department, Government Of Rajasthan, Shivaji Nagar,



Jaipur (Raj.).

2. The Commissioner, Municipal Board, Mount Abu (Raj.).
3. Union Of India, Through The Secretary, Ministry Of Environment Forest And Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, New Delhi - 11000

-----Respondents

S.B. Civil Writ Petition No. 14704/2022

Mahesh Lalwani S/o Late Shri Kishanchand Lalwani, Aged About 62 Years, Resident Of Hotel Ascot Inn, Near Polo Ground, Mount Abu, District Sirohi.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Local Self Government, Jaipur, Rajasthan.
2. Municipal Board, Mount Abu, Through Its Commissioner.
3. Sub Divisional Magistrate, Mt. Abu.

-----Respondents

S.B. Civil Writ Petition No. 14739/2022

Shri Mahesh Lalwani S/o Late Shri Kishanchand Lalwani, Aged About 62 Years, Resident Of Hotel Ascot Inn, Near Polo Ground, Mount Abu, District Sirohi.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Local Self Government, Jaipur, Rajasthan.
2. Municipal Board, Mount Abu, Through Its Commissioner.
3. Sub Divisional Magistrate, Mt. Abu.

-----Respondents

S.B. Civil Writ Petition No. 14811/2022

Shri Mahesh Lalwani S/o Late Shri Kishanchand Lalwani, Aged About 62 Years, Resident Of Hotel Ascot Inn, Near Polo Ground, Mount Abu, District Sirohi.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Local Self Government, Jaipur, Rajasthan.



2. Municipal Board, Mount Abu, Dist. Sirohi Through Its Commissioner.
3. Sub Divisional Magistrate, Mt. Abu, Dist. Sirohi.

-----Respondents

S.B. Civil Writ Petition No. 18201/2023

Hari Singh S/o Late Govindram, Aged About 63 Years, R/o Govindbhawan, Kheme Ka Kua, Pal Road, Jodhpur.

-----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Local Self-Government, Government Of Rajasthan, Shivaji Nagar, Jaipur Rajasthan
2. The District Collector, Sirohi.
3. Municipal Board, Mount Abu, Through Commissioner

-----Respondents

For Petitioner(s)	:	Mr. Shreyansh Mardia Mr. Sdurendra Thanvi for Mr. Sanjeet Purohit Mr. Prafull Gehlot
For Respondent(s)	:	Mr. Rajesh Panwar, AAG with Mr. Monal Chug Ms. Neelam Sharma, AGC

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Order

12/12/2024

The present batch of writ petitions arises out of the same cause of action and is based on almost similar facts, therefore, they are being disposed of by this common order.

For convenience, the facts of **S.B. Civil Writ Petition No.6519/2023 (Shaitan Singh vs. State of Rajasthan)** are taken into consideration.



Briefly noted the facts of the present writ petition are that the petitioner is a resident of Mount Abu and is having residential plot Nos.1 and 2 at New Delwara, Bheel Colony, Mount Abu. The plots in question were purchased by the petitioner in the year 2018 and after purchasing the said plots, he filed an application before the Municipal Board, Mount Abu seeking permission for construction of the house. The said application was rejected by the respondent – Municipal Board.

After enforcement of new bylaws, the petitioner moved another application on 13.06.2019 for raising construction, but the same too was rejected on the ground that the State Government is in the process of framing the Zonal Master Plan for Mount Abu, in pursuance of the directions issued by the National Green Tribunal vide its order dated 10.03.2021. Since the State Government did not act upon the directions issued by the National Green Tribunal, resultantly, the permission for construction is not being processed and decided by the State Government, therefore, the present writ petitions have been filed.

Learned counsel for the petitioners vehemently submitted that after lapse of more than three years, Zonal Master Plan for the Mount Abu has not been prepared by the State Government, in compliance of the directions of the National Green Tribunal and, as such, the permission to undertake the construction on the subject pieces of land has not been granted. In these circumstances, this Court has passed various orders from time to time and the State Government has been directed to expedite framing of the Zonal Master Plan for Mount Abu.



Shri Rajesh Panwar, learned Additional Advocate General was directed to file an affidavit with respect to the progress made by the State Government for framing of the Zonal Master Plan.

The learned Additional Advocate General has filed the compliance report today before this Court, which is taken on record. As per the compliance report, the Notification dated 09.12.2024 framing the Zonal Master Plan for Mount Abu has been issued and the same has been published in the Rajasthan Gazette on 11.12.2024. In view of the Publication of the Zonal Master Plan-2030 Mount Abu Eco-Sensitive Zone, learned Additional Advocate Submits that application for construction of the petitioners and other similarly situated persons will be considered and the same will be processed/decided as per the latest provisions. He assures that those applications which merit acceptance, requisite permission for construction will be granted to them.

I have considered the submissions made at the Bar and gone through the relevant record of the case including the compliance report filed on behalf of the respondent No.2.

It will be worthwhile to reproduce the substance of the Notification dated 09.12.2024, which reads as under :-

"File No.F12(3)/Env/2009/Part-II.--The Zonal Master Plan-2030 Mount Abu Eco-Sensitive Zone has been issued vide Notification of Department of Environment dated October 29, 2015.

In compliance of the directions of Hon'ble NGT in the matter of O.A. No.312/2016 "Dr. Arun Kumar Sharma v/s. MoEF&CC", based on the report submitted by Expert Committee constituted by Hon'ble NGT, after considering



the report submitted by such committee, the Zonal Master Plan has been revised and Volume III to the Zonal Master Plan-2030 has been added for such revision.

Copy of revised Zonal Master Plan-2030 Mount Abu Eco-Sensitive Zone is available at the environment.rajasthan.gov.in website and can also be seen at Municipal Council, Mount Abu. This Mount Abu Zonal Master Plan-2030 shall come into force with immediate effect."

Further, the State Government in the compliance report has submitted that permissions will be granted in accordance with the revised Zonal Master Plan. For brevity, the paras A. to C of the compliance report are also reproduced as under :-

A. That it is most humbly submitted that the Zonal Master Plan-2030 Mount Abu has been duly revised after thoughtful consideration of the report submitted by the Expert Committee and in pursuance of the directions of the Ld. National Green Tribunal in the matter of O.a. No.312/2016 " Dr. Arun Kumar Sharma v/s MoEF & CC". It is further submitted that the said plan has been revised a notification has been issued by the competent authority on 11.12.2024 in the Rajasthan Gazette. A copy of the notification dated 11.12.2024 is annexed herewith and marked as Annexure-B/1.

B. That it is further submitted that this Hon'ble Court vide order dated 20.09.2024 also raised its concern 'that the residents of Mount Abu, having their property even in residential area, are not in a position to renovate/construct their houses for so many years; this Court takes note of the plight of the poor and improvised people, who do not have means to approach the Courts and authorities and are thus deprived of access to basic amenities such as toilets, shelter, additional room (s) etc.'. In this regard, it is most respectfully submitted that the revised Zonal Master Plan-2030 of Mount Abu has been passed after considering the views of the Expert



Committee and the directions of the NGT. The said plan aims to resolve all the hardships faced by the residents of Mount Abu in an efficacious manner.

C. That it is further submitted that the construction permissions would be issued forthwith and strictly in accordance with the revised Zonal Master Plan and the existing building bye law prevailing in the town of Mount Abu."

In view of the discussions made above, the present writ petitions are disposed of with a direction to the petitioners to file an appropriate application seeking permission of construction on the subject pieces of their land in accordance with the provisions of the Zonal Master Plan-2030 Mount Abu Eco-Sensitive Zone and the building bylaws prevailing in the Mount Abu within a period of one week and the respondent – Municipal Board Mount Abu shall decide such applications within a period of four weeks thereafter keeping in mind the provisions of the Zonal Master Plan-2030 Mount Abu Eco-Sensitive Zone and the building bylaws prevailing in the Mount Abu strictly in accordance with law.

The stay application and other pending applications, if any, also stand disposed of.

A copy of this order be placed in each connected files.

(VINIT KUMAR MATHUR),J

26-36/SanjayS/-

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