

ITEM NO.24

COURT NO.4

SECTION XVII

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Civil Appeal No. 7607/2023

STATE OF RAJASTHAN & ORS.

Appellant(s)

VERSUS

ASHOK MALIK & ORS.

Respondent(s)

FOR ADMISSION and IA No.235750/2023-EX-PARTE STAY

WITH

C.A. No. 7916/2023 (XVII)

FOR ADMISSION and IA No.240733/2023-EX-PARTE STAY

Date : 19-02-2025 These appeals were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Appellant(s) Mr. Shiv Mangal Sharma, A.A.G.
Mr. Abhishek Sharma, Adv.
Ms. Nidhi Jaswal, AOR

For Respondent(s) Mr. Rameshwar Prasad Goyal, AOR
Caveator-in-person, AOR
Mr. Anand Shankar, AOR

Mr. Nishant Awana, Adv.
Ms. Rini Badoni, Adv.
Ms. Rebecca Mishra, Adv.
Mr. G.s.awana, Adv.
Mr. Sahil, Adv.
Mr. Mayank Chaudhary, Adv.
Mr. Niteen Kumar Sinha, AOR

UPON hearing the counsel the Court made the following
O R D E R

Perused the order dated 1st December, 2023 which reads thus:-

"Delay condoned.

Issue notice, returnable on 29th January,
2024.

Learned Advocate-on-Record, who is on
caveat, accepts and waives formal notice on

behalf of the respondent no.1.

For the time being, we are not staying the impugned order. However, we make it clear that no coercive action shall be taken against the appellants for non-compliance with the order.

We direct the appropriate Secretary of the State Government to file an affidavit indicating the extent to which the State can comply with the directions contained in the impugned orders and the time span within which the same are proposed to be complied with.

The order dated 13th December, 2021 passed in Original Application No.63 of 2021 is operating for the last two years. We, therefore, direct the State Government to file an affidavit reporting compliance with the directions issued under the said order. The affidavits shall be filed within a period of six weeks from today. Rejoinder affidavits, if any, shall be filed within two weeks thereafter."

Instead of filing an affidavit indicating the extent to which the State can comply with directions contained in the impugned orders and the time span within which the same are proposed to be complied with, an affidavit has been filed by Mr. T. Ravikanth, holding charge of Principal Secretary LSG, Jaipur, in which the stand is of defiance and not compliance. An additional affidavit has been filed by Mr. Deshal Dan, holding charge of Commissioner cum ACEO, Ajmer Smart City Limited. Both the affidavits indicate clear defiance on the part of the State of Rajasthan. Moreover, a direction was issued to the State Government to file an affidavit reporting compliance with order dated 13th December, 2021 in Original Application No.63 of 2021 and, even that compliance affidavit has not been filed.

The direction issued under the impugned order is for restoration of wetlands. The second affidavit is filed by Mr. Deshan Dan S/o Kushal Dan who was in-charge Commissioner of Ajmer Smart City Limited. We wonder how a city can become smart without protecting the water bodies/wetlands in the city and how cities will become smarter by making encroachments on the water bodies/wetlands.

In view of non-compliance with the order dated 1st December, 2023, before we consider of initiating action under the Contempt of Courts Act, 1971, we direct the Chief Secretary of State of Rajasthan to appear before the Court through video conferencing on Monday 17th March, 2025.

If the State of Rajasthan is seriously interested in purging the contempt, we expect the Chief Secretary to file his personal affidavit reporting compliance with at least some of the directions issued under the impugned judgment as well as under the order dated 13th December, 2021 passed by the National Green Tribunal.

Registry to forward a copy of this order to the Chief Secretary of the State of Rajasthan.

(GEETA JOSHI)
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)
COURT MASTER (NSH)