

# RAJASTHAN HIGH COURT

Jagdish Prasad

Vs.

State of Rajasthan

Review Application No. DRJ 5097 of 2003

(N.N. Mathur and O.P. Bishnoi, JJ.)

09.04.2004

## JUDGEMENT

**N. N. Mathur, J.**

1. By way of instant application under Section 114 read with Order 47, Rule 1, Civil Procedure Code, the applicants namely MangiLal, BanshiLal, ChhaganLal, Ganesh Lal s/o Modu Ram and GeneshLal s/o BabuLal resident of KumharonKaBhatta, Udaipur seek review of the order of this Court dated 25-8-2003 passed in a public interest litigation directing the Urban Improvement Trust, Udaipur to shift all the brick-kilns within the City of Udaipur to the land sanctioned by the State Government vide Annexure-R/3, dated 23-8-2003 in *village Odwadiya, Tehsil, Mavil*.

2. It is submitted that for the manufacture of the bricks requirement of water, appropriate soil and easy mode of transportation is necessary. The proposed site in village Odwadiya is not appropriate for establishing brick kilns as the site does not have sufficient soil requirement inasmuch as it is a rocky area. The applicants have suggested other site in village Lakarwas, Eklingpura, Para-Ka-Khet. Tila-Ka-Khera and western side's land to Mantoon Mines.

3. A counter-affidavit has been filed by Sri Lal Singh, Tehsildar, Urban Improvement Trust, Udaipur. It is averred that pursuant to the directions of this Court the Additional Collector, S. D. O., Girwa and the Tehsildar conducted joint survey for selection of appropriate site in village Umarda 57.4 Hectares land was selected, the plan was prepared and tenders were invited to appoint surveyor for demarcation of the plots. The site visited by all concerned authorities and the brick kiln owners sought to be shifted. The Gochar land of village Odwadiya, Tehsil, Mavli was found to be more suitable for shifting brick kilns from the city of Udaipur. The appropriate directions

were given by the Government for changing the land from Gochar to Bilanam. 128 Bighas of land has been reserved for the said purpose. The minutes of the meeting dated 22-7-2003 were placed before the Court. It was also found that the mud required for the brick kilns is being carried out from Udaisagar and the said land is situated in down stream area of UdaiSagar and the land is 10 Kms. far from UdaiSagar. It was also observed that the irrigation canal passes through this land. Thus, while approving the site the availability of soil, water and transportation were kept in view. The proposed site suggested by the applicant have been found to be not suitable. This Court after considering all the relevant aspect on the basis of the report submitted by the Additional Collector issued directions by the order under review. No error apparent on the face of record has been pointed out in the order under review. No case is made out for the review of the order of this Court dated 25-8-2003.

4. The petition stands dismissed.

Petition dismissed.