



RAJASTHAN HIGH COURT
**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 12717/2025

Ajay Shivpuri S/o Vijay Shankar Shivpuri

-----Petitioner

Versus

State Of Rajasthan

-----Respondent

For Petitioner(s) : Mr. Udit Kirori
For Respondent(s) :



HON'BLE MR. JUSTICE SAMEER JAIN

Order

25/08/2025

The present petition is filed for quashing of order passed by the respondents, to allot or install a dairy booth outside House No.B-173, Rajendra Marg, Bapu Nagar, Jaipur. It is further submitted that without taking NOC from the concerned Department like Electricity, Police, PWD etc. a stall/booth is permitted to be erected/installed adjacent to the road, in front of private house. It is further submitted that the said installation will be permanent structure and as per the practice in the guise of a dairy booth/milk booth, same will be a shop which will effect the quality of life of the petitioner as nuisance might be created, which will effect the privacy of the petitioner.

It is further submitted that no appropriate guidelines are created in this regard and throughout the city of Jaipur, various licenses are issued.

Heard.

Issue notices to the respondents.



[CW-12717/2025]

Having heard the submissions made insofar and upon a perusal of the file it is noted that the counsel for the petitioner has not impleaded PWD, local SHO/Police, Electricity Department etc. as a party along with the respective Departments of the State.

In the facts of the case, considering that the matter in hand has a writ large effect and the same is concerned with the applicability of Section 152 of BNSS, as the same pertains to violation of fundamental rights of the petitioner as enshrined under the provisions of Article 21 of the Constitution of India. It is further noted that as per the practice seen, the said dairies are running a wholesale *kirana* shops or small restaurants.

Considering the same this Court deems it fit to appoint Mr. Ajay Pratap Singh as a Court Commissioner and expects from him to evaluate the issue, particularly in the area in question in the present petition, and Bapu Nagar, Gandhi Nagar and other areas thereafter a report be submitted within a period of seven days, on illustrative basis qua allotment, value determination, products and commodities being sold by dairies.

Respondent Nos.1 and 2 are directed to pay Rs.55,000/- as fees and miscellaneous costs, to the Court Commissioner.

For efficacious compilation of the directions spelled out herein, the concerned Police Station officials, as well as appropriate authorities of dairy shall render full cooperation to the Court Commissioner.

Learned counsel for the petitioner is directed to implead necessary parties as stated hereinabove as respondents in array of respondents, and file an amended cause title.

List the matter on 08.09.2025.



In the meantime, operation and implementation of the proposed installation of the dairy booth in front of B-173, Rajendra Marg, Bapu Nagar, Jaipur shall remain stayed.

It is expected that the report of Court Commissioner shall be submitted in the Court prior to the next date of hearing.

(SAMEER JAIN),J

JKP/15