HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 247/2026
URN: SAW / 593U / 2026

Devendra Singh S/o Shri Chaoudhary Balbir Singh, Aged About 40 Years, R/o-Flat No. 205, 2Nd Floor Sapphire-I Bdi Sun Shine City, Bhiwadi Tehsil Tapukara District Khairthal-Tijara (Raj.) 301019

----Appellant

Versus

1. Berry Developers And Infrastructure (P) Ltd., Building No. 80, 3Rd Floor, Sector-44, Adjoining Ramada Hotel, Gurugram, Haryana
2. Bdi Estate (P) Ltd., (Maintenance Agency) Bdi, Sunshine City, Alwar Bypass Bhiwadi, District--Khairthal-Tijara (Raj.) 301019
3. Bdi Residents Welfare Society, Sun Shine City Alwar-Bhiwadi State Highway Road Bhiwadi, Tehsil Tapukara, District Khairthal-Tijara Rajasthan 301019 Through President
4. Shri Sudhansh Pant, Chief Secretary, Rajasthan, Jaipur, Secretariate, Sukhdev Path, C Scheme, Ashok Nagar, Jaipur, Rajasthan 302007
5. District Collector And District Magistrate, Khairthal Tijara,
6. Sh. Alok Gupta-Principal Secretary-Government Of Rajasthan, Secretariate, Sukhdev Path, C Scheme, Ashok Nagar, Jaipur, Rajasthan 302007
7. Sh. Atul Prakash, Ceo, Bhiwadi Integrated Development Authority, Bhiwadi 301019.

----Respondents

For Appellant(s)	:	Ms. Surbhi Khandelwal Ms. Jinal Gehlot
For Respondent(s)	:	

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA

HON'BLE MR. JUSTICE MANEESH SHARMA

Order

08/07/2026

1. The learned counsel for the appellant assails the impugned judgment dated 05.02.2026 passed by the learned Single Judge in SBCWP No. 2105/2026.

2. Limited facts germane to the present matter are that on the application filed by the appellant under the Rajasthan Apartment Act, 2015 ('the Act of 2015'), the Competent Authority, BIDA, vide order dated 16.07.2025 ordered for issuance of notice only to respondent Nos. 1 & 2, while declining to issue notices to respondent Nos. 3 to 6.

3. Thereafter, the appellant filed a civil writ petition with the following prayer:

> *"i. to quash and set aside the anti dated order 16.07.2025 and order sheet dated 13.08.2025 and 27.08.2025 (Annex.4) regarding dispense with service of respondent No. 3 to 6*
>
> *ii. Any other order which this Hon'ble Court deems just and proper in the facts and circumstances of the case may also be passed in favour of the petitioner."*

4. The learned Single Judge after considering the submissions of the appellant, dismissed the writ petition.

5. Learned counsel for the appellant submits that the learned Single Judge erred in dismissing the writ petition and submits that respondent Nos. 3 to 6 are necessary parties for the adjudication of the matter.

6. On a perusal of the impugned judgment, more particularly paragraph No. 6 thereof, we find that the learned Single Judge had posed a specific query to the appellant to ascertain against whom there is an allegation of breach or contravention of the provisions of the Act of 2015. To which the appellant responded that only respondent Nos.1 & 2 are violating the provisions of the Act of 2015.

7. Apart from that, upon an examination of the prayer clause of the application filed by the appellant under the Act of 2015, it is revealed that the appellant only sought a relief of recovery against respondent No.1.

8. Therefore, the learned Single Judge was right in dismissing the writ petition while holding that there was no need to issue notices to respondent Nos. 3 to 6, against whom there was no allegation of breach or contravention of the provisions of the Act of 2015.

9. In view of the above, the findings arrived at by the learned Single Judge cannot be said to be in any manner perverse or warrant any interference by us in this appeal.

10. The order passed is upheld.

11. The appeal is accordingly dismissed.

12. No order as to costs.

13. Any other pending application(s), if any, stand disposed of.

(MANEESH SHARMA),J (SANJEEV PRAKASH SHARMA),ACTING CJ

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