HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 9010/2012
CNR: RJHC020368872012 | URN: CW / 14920U / 2012

Kamlesh Mehrat son of Ali Singh, resident of 398, Chorasiyawas, Ward No.55, Tehasil Ajmer, District Ajmer.

----Petitioner

Versus

1. State of Rajasthan through Secretary, Urban Housing & Development Department, Secretariat, Jaipur.
2. Urban Improvement Trust, through its Secretary, Ajmer.

----Respondents

For Petitioner(s)	:	Mr. Rohan Agarwal
For Respondent(s)	:	Mr. Prateek Singh

HON'BLE THE CHIEF JUSTICE MR. SANJAY K. AGRAWAL
HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

26/10/2026

1. Heard and considered the submissions advanced and perused the material available on record.

2. We observe that the controversy raised in the present public interest litigation concerns the preservation of natural water bodies, drainage channels and catchment areas allegedly affected by the implementation of the Prithviraj Nagar Yojana, Ajmer. In the ratio encapsulated in **Abdul Rahman v. State of Rajasthan**[1], decided on 02.08.2004, the Division Bench of this Court, keeping in view of the doctrine of public trust, emphasised the imperative of protecting water bodies and catchment areas from encroachment and activities prejudicial to their natural character. The said principle was also reiterated by the Hon’ble

1D.B. Civil Writ Petition No. 1536/2003

Supreme Court in **National Institute of Medical Science University v. State of Rajasthan**[2], underscoring the obligation of the State authorities to preserve natural drainage systems and ensure the effective implementation of measures for the protection of water resources.

3. It is well settled that the right to a healthy environment forms an integral facet of Article 21 of the Constitution of India and that the State, as a trustee of public resources, is under an obligation to safeguard such resources for the benefit of the community. Accordingly, the inclusion of land recorded as Nadi, Nala, pond or catchment area within a development scheme cannot, by itself, justify alteration of its natural character without due consideration of the applicable law and the ecological consequences.

4. The authorities are, therefore, required to examine the relevant revenue records and technical material to ascertain the nature of the land and the impact of the proposed development upon the natural flow and storage of water, ensuring that the legitimate objectives of urban development do not result in the irreversible degradation of natural resources. Thus, needful be done in view of the ratio encapsulated in **Abdul Rahman (supra).**

5. Accordingly, the present Public Interest Litigation stands disposed of. Pending applications, if any, shall stand disposed.

(SAMEER JAIN),J (SANJAY K. AGRAWAL),CJ

4/Preeti Asopa

2(2018) 13 SCC 390