

(2014) 07 RAJ CK 0165
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2075/2014

Aam Janta

APPELLANT

Vs

The Addl.

RESPONDENT

Date of Decision : 14-07-2014

Acts Referred:

Citation : (2014) 07 RAJ CK 0165

Hon'ble Judges : R.S. Chauhan, J

Bench : Single Bench

Advocate : Deepak Singh, Advocate for the Appellant

Final Decision : Dismissed

Judgement

R.S. Chauhan, J.—Mr. Deepak Singh, Petitioner No. 1 along with three other petitioners have filed this writ petition challenging the order dated 20.12.2013 passed by the Additional District 7 Judge, Gangpurcity, whereby the learned Judge has quashed and set aside the order dated 17.2.2012 passed by Civil Judge (Jr. Division), Gangapurcity. By order dated 17.2.2012, the learned Magistrate had granted temporary injunction in favour of the petitioners, who had filed a representative suit challenging the prohibition imposed by the Superintendent of Police, Sawai Madhopur with regard to movement of buses and heavy traffic in certain parts of the city.

2. Mr. Deepak Singh has pleaded that because of the shifting of private bus stand, which had existed for the last 40 years, a great inconvenience has been caused to the common man. By order dated 20.5.2010, Superintendent of Police had directed that private bus stand be shifted and the traffic nearer Fawawara Chawk, Kailash Talkies route should be controlled. Due to the said order, traffic is now being routed through the bye-pass. However, this is causing great inconvenience to the public at large. Secondly, considering that prima facie case did exist in favour of the residents of Gangapurcity, considering balance of convenience on their side, and considering that an irreparable loss would be

caused, the learned Magistrate was justified in passing the temporary injunction dated 17.2.2012. However, without appreciating these three factors, the learned Judge has allowed the appeal by impugned order and has set aside the order dated 17.2.2012. Thus, the learned Judge has committed an illegality.

3. Heard Mr. Deepak Singh, petitioner No. 1 in person and perused the order dated 17.2.2012 and the impugned order dated 20.12.2013.

4. A bare perusal of the impugned order dated 20.12.2013, clearly reveals that the learned Judge has noticed the fact that Superintendent of Police, Sawai Madhopur had directed that the traffic on certain congested route should be controlled by invoking his power u/s 47 and Section 44(5). Therefore, he had sufficient powers to control the flow of traffic. Moreover, he has observed the fact, and in view of this Court rightly so, that Superintendent of Police has been empowered to control the traffic and he has sufficient experience for controlling the traffic of the city. Therefore, it is not for the courts to interfere with such administrative orders, Furthermore, he has noticed the fact that while granting the temporary injunction, the Magistrate had no evidence before him that the public is being inconvenienced. Further that neither balance of convenience is in favour of the petitioners, nor any irreparable loss would be caused to them. Since, none of the three essential factors existed, the learned Judge was certainly justified in quashing and setting aside the order dated 17.2.2012.

5. For the reasons stated above, this Court does not find any illegality or perversity in the impugned order dated 20.12.2013. This petition being devoid of any merit is, hereby, dismissed. The stay application also stands dismissed.