
(2013) 01 RAJ CK 0153

In the Rajasthan High Court

Case No : Civil Writ (Pil) Petition No. 914 of 2013

Bhawani Shanker Sharma

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 24-01-2013

Acts Referred:

Citation : (2014) 1 CDR 488 : (2013) 2 WLN 114

Hon'ble Judges : Narendra Kumar Jain, J;Jainendra Kumar Ranka, J

Bench : Division Bench

Advocate : Bhawani Shanker Sharma, for the Appellant; S.S. Hora with Mr. Atul Saxena, for the respondent No. 8, for the Respondent

Judgement

1. Heard the petitioner in person and the learned counsel for respondent No. 8. Petitioner has preferred this writ petition with a prayer that an appropriate writ, order or direction be issued restraining the respondents from holding the event "Jaipur Marathon-2013" and further direct the official respondents not to permit such activities in the city of Jaipur within municipal limit, it has also been prayed that an enquiry may be ordered into the affairs of the event "Jaipur Marathon-2013" with regard to facilities, concessions provided by the State of Rajasthan and Government agencies to such a commercial and private programme.

2. It is averred in the writ petition that petitioner came to know from commercial advertisement, published in daily newspaper Rajasthan Patrika dated 17.01.2013 that a Marathon, titled "Jaipur Marathon-2013" is being organized on 27.01.2013, to promote the World Trade Park, a commercial complex, which is sponsored by world Trade Park, Ambuja Cement and in the name of Pt. Suresh Mishra. It is further averred that such an event is being organized, time and again, causing great public inconvenience. In case, the marathon is permitted, then all the facilities and essential services would be paralyzed for no benefit of public at large. It is also averred that marathon is going to be started from Ramniwas Garden, where SMS Hospital, J.K. Lawn Hospital and other private

hospitals, like Santokba Durlabhji Hospital, Soni Hospital, Fortis Escort Hospital, Kelgiri Hospital, Mahaveer Cancer Hospital, Uniyara Hospital and so many other facilities are on the way. It is also pleaded that it has been a general experience that at the time of such type of events, there are no sufficient arrangements to meet out the exigencies faced by the participants.

3. Petitioner, present in person, submitted that he came to know about "Jaipur Marathon-2013" on 18.01.2013 and soon thereafter, he served a notice upon the respondents on 18.01.2013 itself, to stop it and immediately thereafter, he preferred the present writ petition before this Court on 22.01.2013. He submitted that in past, it has been experienced that no suitable arrangements were made and even directions of this Court given in pil relating to Jaipur Marathon-2012, were not followed.

4. Mr. Hora, learned counsel appearing on behalf of respondent No. 8 submitted that a news item in respect of holding "Jaipur Marathon-2013" was published, way back on 18.11.2012 in daily newspaper Dainik Bhaskar and again on 27.12.2012. It was also published in daily newspaper Rajasthan Patrika dated 27.12.2012. It was also published in daily newspaper dated 18.01.2013. He submitted that neither any notice was served upon any of the respondents, in pursuance of advertisement issued way back on 18.11.2012, nor the petitioner approached this Court immediately thereafter. Therefore, this petition suffers from latches. He also submitted that Deputy Commissioner, office of Police Commissioner, Jaipur has granted permission for "Jaipur Marathon-2013", vide its order dated 24.01.2013 subject to number of terms and conditions and the respondents will follow the same. He submitted that the State functionaries and the Rajasthan Police have already taken care of all the apprehensions or casualties, which may take place during "Jaipur Marathon-2013", therefore, all precautions have been taken and conditions have been imposed, while granting permission. He referred the order, granting permission, dated 24.01.2013 during the course of arguments, which is taken on record.

5. Mr. Hora also submitted that on earlier occasion also, i.e. Jaipur Marathon-2012, all precautions were taken and the terms and conditions imposed in the order, permitting "Jaipur Marathon-2013" will also be followed and due care will be taken. He submitted that Jaipur Marathon will be in the interest of public of Jaipur city, therefore, the writ petition filed by the petitioner may be dismissed.

6. We have considered the submissions of the petitioner and the learned counsel appearing on behalf of respondent No. 8.

7. Office of Police Commissioner, Jaipur, vide its order No. 1020-29, dated 24.01.2013, has granted permission for "Jaipur Marathon-2013", which reads as under:-

8. From the above permission order, it is clear that as many as 21 conditions have been imposed on the organizers of Jaipur Marathon, while granting

permission for Jaipur Marathon. Condition No. 4 safeguards the public at large with regard to facilities relating to hospitals, schools, colleges, telephone centres, hostels and Courts. The direction issued earlier by this Court, vide order dated 10.09.2007 in Writ Petition No. 4695/2007, has also been incorporated as Condition No. 15 in the order.

9. It is also relevant to mention that a news item with regard to Jaipur Marathon was published on 18.11.2012 and the present writ petition has been filed by the petitioner on 22.01.2013. Mr. Hora, learned counsel for respondent No. 8 referred a photostat copy of news item dated 18.11.2012 and 27.12.2012, which are taken on record.

10. From the above, it is clear that petitioner did not approach the respondents or this Court at the earliest, when news item was published way back on 18.11.2012 for Jaipur Marathon.

11. This Court, while considering a Public Interest Litigation, relating to Jaipur Marathon-2012, held that such a matter is administrative one. It was also held that where and how Marathon is to be organized, is the outlook of the administration, It was also observed that at the time of Marathon, the administration has to ensure that necessary services are maintained. The order dated 20.01.2012 passed by this Court in D.B. Civil writ Petition (PIL) No. 1059/2012-Bhawani Shankar Sharma & Anr. vs. District Collector, Jaipur & Ors., is reproduced as under:-

Heard the petitioners present in person.

In the writ application, prayer has been made to stop the Marathon race going to be held on 22.1.2012. Petitioners have submitted that said Marathon race is being organized by Sanskriti Yuva Sanstha, an NGO for the promotion of World Trade Park, World Trade Park is a commercial mall. The said NGO is using public park for collection of public and due to this, the regular morning walkers and residents of the surrounding colony of Albert Hall will suffer, because only selected people, who will pay the premium for participation in the Marathon will enter the Albert Hall. There is likelihood of blocking the area of Albert Hall, SMS Hospital, Jaykay Loan Child Hospital and other surrounding roads. This Marathon race will affect the patients of critical condition, their attendants and Emergency 108 Ambulance and other regular vehicles. Marathon Race is violative of Sadak Suraksha Saptaha, which is being organized from 16.1.2012 to 22.1.2012. Jawahar Lal Nehru Marg is the only way to reach Airport, which is likely to be blocked. In this Marathon race some celebrity will come, due to that there will be large public gathering. Hence, the writ application has been preferred to stop the Marathon race as various inconveniences are going to be caused.

After perusing the writ application and the documents filed, it is apparent that the petitioners have not approached the respondents nor have served any notice for demand of justice. That apart, the matter is such, which is administrative one. However, where Marathon is to be organized, is the outlook of the

administration. At the same time, the administration has to ensure that necessary services are maintained.

We find no ground to interfere and to issue direction to stop the Marathon Race.

With the aforesaid observations, the writ petition is disposed of.

12. The present matter is fully covered by the decision of this Court dated 20.01.2012, referred above (supra). The private respondents have already applied for grant of permission to the District Administration and permission has also been granted for the same by the respondents, vide order dated 24.01.2013, which has been reproduced above.

13. "Jaipur Marathon-2013" is an act of administrative nature, no interference is called for by this Court. However, it is expected from the District Administration to ensure that conditions imposed in the order, granting permission for "Jaipur Marathon-2013", are strictly followed. With the aforesaid observations, the writ petition stands disposed of.