

(2018) 01 RAJ CK 0019
In the Rajasthan High Court
Case No : 372 of 2012

Deda Ram & Ors

APPELLANT

Vs

Union of India Through Secretary & Ors

RESPONDENT

Date of Decision : 31-01-2018

Acts Referred:

Citation : (2018) 01 RAJ CK 0019

Hon'ble Judges : M.N.Bhandari

Bench : Single Bench

Advocate : Anoop Dhand, Dharmendra Pareek

Final Decision : Disposed off

Judgement

1. This writ petition has been filed with the following prayers:

i) issue appropriate writ, order or direction in the nature thereof and direct the respondents to open the general public way from

Harsawa Bada to Alakhpura (Sikar-Churu Marg) at Railway Crossing Gate No.32 forthwith without any delay; and

ii) direct the respondents to either open the public way or construct any over or under bridge over or under the Railway Crossing

Gate No.32 at Harsawa Bada to Alakhpura (Sikar Churu Railway Line Marg) or

iii) direct the respondents to made available any way to the villagers from village Harsawa Bada to Alakhpur; and

iv) further pleased to direct the respondents to save and secure the life of the villagers and their cattle from any mis-happening during

crossing the Railway Line in absence of any way.

v) any other order or direction as deemed just and proper by the Hon''ble Court in the facts and circumstances of the case may also

kindly be passed in favour of the petitioners.

vi) Cost of the petition may kindly be awarded in favour of the petitioners.

2. It is stated by learned counsel for respondents that Railway Gate No.32 is lying closed for last ten years and it was closed after proper survey.

Learned counsel for petitioner, however, submits that due to closure of Gate No.32 between Harsawa Bada to Alakhpura (Sikar Churu Railway

Line Marg), around 10 people have died while crossing the railway line. It is for the reason that nearest crossing for village Harsawa Bada and

Alakhpura is at the distance of 2.5 km. It is also stated that State Government has agreed to bear cost for under-bridge and the Railways had

agreed to construct it, provided the cost is borne by the State Government, accordingly, appropriate directions may be given.

3. Learned counsel for respondents submits that in a period of ten years, substantial changes may have taken place. If directions are given, the

respondents would again assess feasibility to construct over-bridge. It is after taking into consideration the volume of the people to under-bridge

and other parametres including feasibility because recently meter gauge has been converted into broad gauge. I have taken into consideration the

facts narrated by learned counsel for the parties.

4. It is not in dispute that Gate No.32 in question was closed ten years back, however, if it has caused inconvenience and taken lives of few

persons in between, the matter is required to be looked into by the Railways so as the State Government.

5. Accordingly, this writ petition is disposed of with the following directions:

(i) The respondents would make assessment of the volume of persons to use under-bridge if erected at Gate No.32 apart from its feasibility after

conversion of meter gauge to broad gauge.

(ii) If answer to the direction No.(i) comes in affirmation, the Railways would construct under-bridge and the cost would be borne by the State

Government.

(iii) The direction given in Para No.(i) would be complied at the earliest and not later than a period of six months from the date of receipt of copy

of this order.