

(2013) 01 RAJ CK 0197

In the Rajasthan High Court

Case No : Civil Writ Petition (PIL) No. 427 of 2013

Jan Jagriti Vikas and Seva Samiti

APPELLANT

Vs

State of Rajasthan and Others

RESPONDENT

Date of Decision : 16-01-2013

Acts Referred:

Citation : (2013) 2 WLN 261

Hon'ble Judges : Dinesh Maheshwari, J;Arun Bhansali, J

Bench : Division Bench

Advocate : P.S. Bhati, for the Appellant;

Final Decision : Dismissed

Judgement

Dinesh Maheshwari, J.—After having heard the learned counsel for the petitioner and having perused the material placed on record, we are not persuaded to entertain this matter as a PIL petition at this stage on the grievance as voiced and the propositions as suggested in regard to the construction of Railway Over-Bridge ("ROB") on Bhadwasiya crossing in the city of Jodhpur to cater to the needs of smooth movement of traffic. The submission on the part of the petitioner is that earlier, the ROB was proposed in "T" shape but now, the shape has been restricted in the nature of "L" shape whereby, one part of the traffic, coming from the Mandore side of the road is not likely to get included in the expanse of ROB; and it may cause hindrance in the smooth flow of traffic.

2. In our view, when a developmental project is taken up by the authorities, the presumption is that all the requirements of the services to the public have been taken note of and are attended at. As to where and how a particular ROB should come up is primarily a matter required to be left open for consideration of the authorities and the experts concerned. It is not the allegation that any authority has taken any decision for any extraneous reason or consideration.

3. So far the aspect of giving inputs for improvement of the project is concerned, the petitioner is, of course, free to make appropriate suggestions to the

authorities concerned in appropriate manner and we are sure that if such suggestions are made bona fide, the authorities shall give the same due consideration. However, in this regard too, we would hasten to observe that any such suggestion must be supported by all the necessary datas and the technical aspects of the matter; and should not be made only for the sake of some objection. Needless to say that if a bona fide and well-constructed suggestion is made to the authorities, they would be expected to consider the same in accordance with law and in the right spirit.

4. We make it clear that at this stage, we have not commented on the merits of the matter either way; and in case of any occasion for any genuine grievance, it shall be open for the petitioner to take recourse to the appropriate remedies in accordance with law. Subject to the observations foregoing, we do not feel inclined to entertain the matter in the PIL jurisdiction at this stage and hence, the petition stands rejected.