

**(2020) 02 RAJ CK 0576**  
**In the Rajasthan High Court**  
**Case No : Civil Writ Petition No. 7194 Of 2019**

Manoj Kumar And Ors

APPELLANT

Vs

Union Of India And Ors

RESPONDENT

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**Date of Decision :** 26-02-2020

**Acts Referred:**

**Citation :** (2020) 02 RAJ CK 0576

**Hon'ble Judges :** Sangeet Lodha, J;Pushpendra Singh Bhati, J

**Bench :** Division Bench

**Advocate :** Pragya Lakhani, V.D.Vaishnav, Kamal Dave, Rajkamal Soni, Rajesh Parihar

**Final Decision :** Disposed Of

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## Judgement

1. By way of this writ petition (PIL), the petitioners have challenged the action of the respondents in abandoning the initial plan of Railway Over

Bridge (ROB) proposed to be constructed at LC Gate No.104 Pindwara, District Sirohi and preparation of new plan.

2. Precisely, the case set out by the petitioners is that the construction of said ROB over the new route with new design supported on walls will lead to

grave situation of flood in the nearby residential areas and Government Offices such as Tehsil Office, Court Premises etc. The new site of the ROB

clearly increases the length of the ROB which will further increase the construction cost. That apart, as per the new plan, the ROB is diverted

towards some private land and therefore, the respondents will have to acquire the private land.

3. The respondents while placing the map showing old alignment of ROB 104 as also the final alignment has given technical justification for change of

alignment as under :

1. That the General Arrangement Drawing (GAD) over the ROB 104 was initially approved on 20.06.2014 with the technical data of track center

distance between the Indian Railway Main Line and DFC down track was 13.6 mt. with Gradient of Approach 0.1:25.

2. That the track alignment of Dedicated Freight Corridor undergone change in the year 2015 of the relevant section of the Railway project which

necessitate revision of General Arrangement Drawing (GAD) of ROB 104 and the same was undertaken and approved in the year 2016. This

revision brought the change of track center distance between the Indian Railway Main Line and DFC down track to 17.5 mt. instead of previous 13.6

mt. The gradient approach was also revised in view of Indian Road Congress (IRS) Code SP; 73-2015 Clause 2.9.7.2 Table No.2.7 which required

increase of RE (reinforced Earth) wall length culminated into required gradient approach of 0.1:30 to instead of 01:25 as per the old General

Arrangement Drawing (GAD) of the year 2014.

3. In view of change track center distance as well as change of gradient approach the technical feasibility of the plan re-examined and above changes

necessitated increase of the height of the super structure as well as the span along with the required gradient is 01:30, length of the structure was also

increased in pace with above required changes in fulfillment of technical requirements.

4. In order to avoid crossing of IOCL pipeline construction of the ROB was required to be completed at a point before the Indian Oil Corporation Pipe

Line. Above limitation clubbed with increased length and height of the ROB, change of gradient which can be achieved by increase of length of ROB

which in view of required point of termination towards DFC side before IOC pipe line was not possible and as such same was required to be

redesigned to meet all above challenges. In order to meet these technical requirements, the plan was revised and the curved ROB was designed so as

to meet the entire technical and physical requirement for construction of the ROB.

5. That the General Arrangement Drawing (GAD) as revised is jointly examined and approved by the State authorities and authorities of DFCCIL

namely the authorities of Nagarpalika, PWD Pindwara as well as the authorities of DFCCIL.

4. This Court does not have technical expertise in the matter and therefore, it would not be appropriate for the Court to sit in judgment over the opinion

of the experts of the field. Ignoring the expert opinion on record, this Court relying upon the assertions of the petitioners cannot countenance their

suggestion that the project undertaken by the respondents with the modified design is not in larger public interest.

5. In this view of the matter, the petition is disposed of with the directions that while executing the project, the respondents shall take all appropriate

measures to ensure that construction of ROB may not lead to water logging and flood like situation in the town.