
(2016) 05 PAT CK 0106

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 5347 of 2015

Md. Jamil Ahmad

APPELLANT

Vs

State of Bihar

RESPONDENT

Date of Decision : 17-05-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 3 PLJR 925

Hon'ble Judges : I.A. Ansari, ACJ. and Mr. Samarendra Pratap Singh, J.

Bench : Division Bench

Advocate : Mr. Lakmesh Marvind, Advocate, for the Petitioner; Mr. P.N. Sahi, AAG 10, for the Respondent

Final Decision : Disposed Off

Judgement

Mr. Samarendra Pratap Singh, J.—With the help of this Public Interest Litigation, petitioners seek directions to the respondent authorities to permit auto rickshaw/tempo to run on Ashok Rajpath eastward from Gaighat to Patna as permitted prior to introduction of new traffic plan in August, 2014. The diversion of the route has, according to the petitioners, caused immense difficulties to the residents of Patna city including school/college students.

2. Before we proceed to examine the matter, it would be necessary to notice the circumstances leading to the new traffic plan.

3. According to the respondents, prior to implementation of new traffic plan in the year, 2014, there was free movement of vehicular traffic on Gandhi Maidan and Patna city route through Ashok Rajpath and Mahendru. The route was narrow at a number of points, which caused traffic jam, and, on some occasions, even created law and order problem. In order to meet the heavy load of traffic, causing blockage, jam, etc., on Gandhi Maidan, Patna City, Gaighat route, through Ashok Rajpath, and to provide smooth vehicular movement, the then Superintendent of Police, Traffic, Patna, prepared one way traffic arrangement

plan and forwarded the resolution to the District Magistrate, Patna, vide Office Letter No.1426/C, dated 09.08.2014. Whereas, westward movement of vehicles including tempo/auto rickshaw are allowed to ply as before from Gandhi Maidan to Patna City through Ashok Rajpath, the route of these vehicles, while travelling eastward from Patna city to Gandhi Maidan has been changed and diverted. As per the new plan, the movement of auto, tempo, buses, etc., from east to west, i.e., Patna City to Gandih Maidan, are diverted through Danka Imli, Biskomaun, Sandalpur, Dargah Road, Sahganj, Musallahpur Hatt, Bhikhna Pahari, Naya Tola, Machuatoli, Govind Mitra Road, Langar Toli, Dariyapur Gola Road, Hathwa Market, Thakurbari, Bakarganj and Gandhi Maidan.

4. The petitioners submit that the change of route has badly hit the common people as well as aged, sick and handicapped traveller from Patna city to Mahendru, Gandhi Maidan. They have to take longer route through unsafe areas, which are prone to theft and extortions. The new arrangement is also disadvantageous to the school/college students residing in/around Patna city including students of B.N.R. Training school and other colleges in Mahendru, situated on Ashok Rajpath. People, in need of medical care and not owning own vehicles, are left with no option, but to pay hefty sum for hiring a taxi for carrying patient to the Patna Medical College, Patna, Tripolia Hospital and other hospitals. The petitioners, in support of their submissions, have annexed letters from the Principal, BNR College, as well as Superintendent, Tripolia Hospital, contained in Annexure 5. They have also annexed a number of representations of local residents for re-continuing the old pattern of traffic movement on the route. A protest has also been made by the Patna City Bar Association, Civil Court, Patna City. A copy of the protest petition is contained in Annexure 9 to the writ petition. A protest has also been lodged by Ward Councillor of Ward No.53, Patna Municipal Corporation, Patna, supported by residents of the area. Copies of the protest petitions are contained in Annexure 9 to the writ petition. A number of news papers cuttings have also been annexed to the writ petition, which depicts the problems of local people, occasioned by new traffic plan in name of easing the traffic congestion.

5. A counter affidavit has been filed on behalf of the Deputy Superintendent of Police, Traffic-1, Patna, as well as Senior Deputy Collector, In-charge Legal Section, Patna. Both have defended the new traffic route in public interest. They submit that the route, in question, is narrow and there is no likelihood of its widening. Besides, the traffic load is increasing day by day inasmuch as it connects State's premier Government hospital, the Universities, i.e., the PMCH, Patna University, NIT, B N College, etc., apart from Patna City Gurudwara, old business center, Mandi, etc., Further-more, not being insensitive to representations of aggrieved persons, the Resolution, dated 09.08.2014, of the Deputy S.P., Traffic, was reviewed by the Superintendent of Police, Traffic, Patna, and it was found that the load of vehicles between Patna city to Gandhi Maidan and Gandhi Maidan to Patna City, on account of new traffic plan, has come down and traffic congestion has been solved to a great extent. As the new traffic plan

has started yielding results and the Superintendent of Police, City, again, forwarded a letter to the District Magistrate, Patna being, Letter no. 1121/C, dated 16.7.2015, with a request to continue one way traffic arrangement in public interest for smooth traffic. Copies of the letters, dated 09.08.2014 and 16.07.2015, are annexed as Annexures A and B to the counter affidavit.

6. We have heard the submissions of the parties and perused the materials on record.

7. The regulation of traffic is within the domain of the district administration and this Court would be loath in interfering with traffic plan unless the same is per se bad and not in the public interest. According to the respondents, traffic jam, on the route, in question, was a regular feature, leading to law and order situation, more often than not. These assertions are not in dispute. After adopting the new traffic pattern, the load on the route has eased leading to a fresh movement of traffic, as mentioned in review of the traffic plan, by Superintendent of Police, Traffic, in his letter, dated 16.07.2015, addressed to the District Magistrate, Patna. The review of the traffic plan, at regular intervals, would, at least, suggest that district administration is conscious of the situation and their action is not unmindful or arbitrary. As the petitioner has disputed the claim of the respondents that the new traffic plan has eased the traffic problem in the interest of students and residents of Patna city area, the matter would involve examination of facts and figures, which could be best agitated in a civil court of competent jurisdiction.

8. We, therefore, close this Public Interest Litigation with liberty given to the petitioners to institute, if so advised, appropriate suit in the civil court of competent jurisdiction for remedy of their grievances.

9. The writ petition is disposed of with liberty aforesaid.

I.A. Ansari, ACJ. - I agree.