

(2019) 02 RAJ CK 0010
In the Rajasthan High Court
Case No : Civil Writ No. 5597 Of 2018

Om Prakash And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 01-02-2019

Acts Referred:

Citation : (2019) 02 RAJ CK 0010

Hon'ble Judges : Pradeep Nandrajog, J; Pushpendra Singh Bhati, J

Bench : Division Bench

Advocate : Ranjeet Joshi, Harish Purohit, Pratistha Dave

Final Decision : Disposed off

Judgement

1. The petitioners have preferred the instant public interest litigation seeking the following prayers :-

(i) As prayed by an appropriate writ, order or direction, the respondents may be directed to implement and obey the order passed the respondents may be directed to shift the private buses those are running/ plying from the land of Ex MP & MLA situated from 200 mtrs away from the railway station Degana and some buses are running for the government land situated outside the Railway station Degana to the land allotted for bus-stand in Khasra No. 150 measuring 7.10 bigha and new no.491 measuring 1.1240 Hects. to provide better facilities to the public of Degana town.

(ii) By an appropriate order or direction, the respondents RSRTC may be directed that they will not stop or halt their buses on the main road of railway station and sadar bazar or any place of Degana town and they will direct their driver and conductors to stop and run their buses from the land allotted private bus stand at Khasara No. 150 measuring 7.10 bighas.

(iii) By an appropriate order or direction, the respondents Chairman & Executive Officer may be directed that they will not pass any resolution for getting transfer

of the land allotted to the bus station in Khasra No. 150 measuring 7.10 bigha and new no.491 measuring 1.1240 Hects. situated in town Degana near State High Way 59 of town Degana District Nagaur.

(iv) By an appropriate order or direction, the respondents District Collector may be directed that they will not transfer the disputed land allotted for public utility for the bus stand / public bus stand situated in Khasra No. 150 measuring 7.10 bigha and new no.491 measuring 1.1240 Hects. situated in town Degana near State High Way 59 of town Degana District Nagaur to respondent Municipal Board Degana.

(v) By an appropriate order or direction, the respondents may be directed to provide the Shulabh Shouchalay for the public and water cooler Poo Sheds and sitting chairs, waiting hall at the land of bus stand and to provide all the basic facilities to the passengers of the town Degana in the interest of justice and in the interest of public at large of town Degana."

2. The bone of contention as raised by the petitioners is that the buses are being plied and are halting in front of Railway Station, Degana and Sadar Bazar Market which is resulting in traffic congestion and the same is hazardous to life and limb of public at large. It is submitted that this area is thickly populated area and the public is suffering a lot. It is thus prayed that the respondents be directed to stop plying and halting of the buses in front of Railway Station Degana and the bus stand be transferred to the land already allotted and reserved for bus stand by the Collector vide order dated 30.8.1991 and the Tehsildar vide order dated 19.9.1991. This land is situated in khasra no.150 measuring 7.10 bighas (new khasra no.491 measuring 1.2140 hectares) in village Goradi Chacha adjoining to the main road between Highway No.59 & 60.

3. Counsel for the petitioners has pointed out that vide resolution dated 26.3.2018, the Municipal Board, Degana wanted to get this land reserved for bus stand transferred in the name of Municipality.

4. The respondent State has filed reply wherein they have admitted that there is private and roadways bus stand in front of Railway Station and thus, there is a traffic congestion. The State has also admitted that the land of Khasra No.150 measuring 7.10 bighas (new khasra no.491 measuring 1.2140 hectares) situated in Village Goradi Chacha, Khata No.232 has been reserved for bus stand and has been recorded as Kism Gair Mumkin Charagah in the jamabandi Samwat 2066-85 vide order dated 30.8.1991 passed by the District Collector. The State has also admitted that the said land reserved for bus stand is situated near Ajmer Harsaur road and the same is surrounded by a boundary wall and is lying vacant. The stand of the State is that upon receiving the application/proposal, appropriate proceedings for allotment of the reserved land to the RSRTC shall be undertaken.

5. The RSRTC in its reply has come out with a case that as soon as the land is transferred to them and its possession is handed over to them, they shall

immediately take steps to provide the requisite infrastructure and make the bus stand operational. The RSRTC has further stated that after the bus stand becomes operational, they will direct their drivers not to operate the buses from near the railway station.

6. In light of the aforesaid submissions, the present petition is disposed of with a direction to the respondent State to allot the land the Khasra No.150 measuring 7.10 bighas (new khasra no.491 measuring 1.2140 hectares) situated in Village Goradi Chacha, Khata No.232 as Kism Gair Mumkin Charagah in the jamabandi Samwat 2066-85 to the RSRTC within a period of six weeks from today. The RSRTC in turn after allotment of the land, shall develop the land, provide infrastructure and make the bus stand operational expeditiously. After the bus stand is made operational, the State Government shall ensure that no bus whatsoever shall be plied or halted near the Railway Station, Degana.