

(2012) 07 RAJ CK 0028

In the Rajasthan High Court

Case No : Civil Writ Petition No. 12592 of 2011 (PIL)

Raj Kumar Rinwa

APPELLANT

Vs

Union of India and Others

RESPONDENT

Date of Decision : 10-07-2012

Acts Referred:

Citation : (2013) 1 WLN 288

Hon'ble Judges : Arun Mishra, C.J.;Sangeet Lodha, J

Bench : Division Bench

Advocate : Rajesh Joshi and Mr. Sheetal Kumbhat, for the Appellant; Kamal Dave and Mr. Sandeep Bhandawat, for the Respondent

Final Decision : Dismissed

Judgement

Arun Mishra, C.J.—The petitioner has prayed for relief in the writ application that respondents-Railway may kindly be restrained from converting the existing Meter Gauge into Broad Gauge Line and suitable direction may be issued to take Broad Gauge line from outside the city. Reliance has been placed on a joint survey report. In the reply filed by the respondent, the facts have been disputed. It is contended that Railway Board communicated sanction of Ministry of Railways for the Gauge conversion of Ratangarh-Sardarshahar section of 45.7 kms as a material modification to already sanctioned ongoing Bikaner-Ratangarh-Sadulpur and Ratangarh-Degana Gauge Conversion Project vide letter dt. 30.05.2011. Tender for earthwork and supply of stone have already been awarded and the Contractual Agencies have mobilized their resources on the site. Tenders for building works and track works have been invited and were scheduled for opening on 22.02.2012. Tender for over bridge is also in process. At present, the work of gauge conversion from Sardarshahar end has been taken out. As regard the claim of relief for diversion of the Broad Gauge conversion from outside the city, the respondents have carried out joint survey of the land on proposed alignment as suggested by the petitioner. Other facts in the petition have been denied and it is submitted that alignment where railway line is taken, is feasible.

2. With respect to the same project, earlier writ petition No. 585/2004 was filed before the Division Bench of this Court, which was decided by order dt. 08.12.2004. Prayer was made to issue direction for conversion of Meter Gauge Line and Broad Gauge Line from Degana to Rewari thereby connecting towns villages falling in Districts Nagaur, Chum and Mohangarh of Haryana to Delhi. The writ petition was allowed and this Court has issued the direction that the respondents have to undertake and complete the left-out Degana-Rewari route track via Sadulpur by converting from Meter Gauge to Broad Gauge by the ends of year 2005. The Chairman, Railway Board will ensure compliance of the orders of this Court. The Divisional Railway Manager, North Western Railway, Bikaner will file quarterly affidavits as to the effective steps taken for the compliance of the orders of this Court. Following order was passed by Division Bench of this Court in the aforesaid writ petition.

From the record, it appears that if the part of the track i.e. Degana to Rewari via Sadulpur which comes to around 395 kms. is taken on a priority, it will restore the original Meter Gauge track from Jodhpur to Delhi via Sadulpur-Degana, as Jodhpur, Degana on the one hand and Rewari-Delhi on the other hand has already been converted into Broad Gauge. It is vehemently submitted that the Railway Administration has been diverting their resources from time to time as per the weight of the political pressure. No material has been placed on record to substantiate the allegation. However, we expect from the respondents to at least complete the left out part of the track, as we have already stated that on Jodhpur Delhi route the conversion has already been accomplished on both the ends.

Consequently, having regard to the peculiar facts and circumstances of the case in the larger public interest, we direct the respondents to undertake and complete the left out Degana-Rewari route track via Sadulpur by converting from Meter Gauge to Broad Gauge by the ends of year 2005. The Chairman, Railway Board will ensure compliance of the orders of this Court. The Divisional Railway Manager, North Western Railway, Bikaner will file quarterly affidavits as to be effective steps taken for the compliance of the orders of this Court. The first compliance report shall be submitted before 02.04.2005. A copy of this order be sent to the Chairman, Railway Board, the General Manager, North Eastern Railway, Jaipur, the Divisional Railway Manager, Bikaner and the Divisional Railway Manager North West Railway, Jodhpur.

3. The matter has also travelled to Hon''ble Supreme Court and following order was passed:-

The learned Additional Solicitor General files a status report which is taken on record.

Leave granted.

After hearing the learned counsel for the parties, we are satisfied that the time appointed by the High Court for completing the project leans on the lower side.

Railway projects in the very nature of the things take reasonable time for being accomplished. Therefore, the order appealed against calls for an interference limited to the extent that the time limit of the year 2005 appointed by the High Court in its impugned order is too short and deserves to be deleted.

The petition shall stand restored on the file of the High Court to monitor the implementation of project. We make it clear that our limited interference with the impugned order should not be understood and treated by the appellants as ruse for delaying the implementation of the project. The same shall be expedited and status report filed from time to time in the High Court. The appeal stands disposed of in the above terms.

A copy of the status report filed today in this Court shall be forwarded to the High Court along with a copy of this order.

No order as to the costs.

4. The railway line was to be converted by end of 2005, we are now in the year 2012. The prayer made in this writ petition to change alignment cannot be accepted by the Court. We are not inclined to direct change in alignment of the railway line such matters are for the experts to consider. We do not find any ground is made out so as to issue any kind of direction to the respondents in the matter, particularly considering the order, which were passed by Division Bench of this Court as well as by the Hon'ble Supreme Court. Any further interference will delay the matter and will have effect of diluting the order passed by this Court. Consequently, the writ petition is dismissed.