

(2017) 11 JH CK 0011
In the Jharkhand High Court
Case No : 3257 of 2017

Shivlal Sao & Ors

APPELLANT

Vs

State of Bihar(Now Jharkhand)

RESPONDENT

Date of Decision : 08-11-2017

Acts Referred:

Citation : (2017) 11 JH CK 0011

Hon'ble Judges : Aparesh Kumar Singh, B. B. Mangalmurti

Bench : DIVISION BENCH

Advocate : R.R. Mishra

Judgement

1. This is an epistolary petition, which we have taken up in a larger public interest as it raises serious concern about the life and safety of ordinary pedestrians using the public roads in Ranchi.

2. The incidence of death of the sole parent i.e. Most. Malini Sengupta, aged 38 years, mother of 5 years old girl on 30.1.2017 taken place at the busy intersection in the Ranchi town known as Kantatoli Chouk and another incidence of the same date of a 4 1/2 year old child who was crushed to death in a busy road at Ratu area by an incoming vehicle not only raises serious humanitarian concern but also raises important issue in relation to the regulation of burgeoning traffic in urban areas and the necessity of creation of urban infrastructure to address the rapidly growing inflow of traffic and large transport vehicle / heavy commercial vehicle in the city in the ordinary hours of day. Such unfortunate incidences are not uncommon and are regularly reported in newspapers. The author of the letter, Mr. Rahul Kumar Das is an advocate of this Court who has therefore sought to raise this serious concern in the larger public interest.

3. We therefore consider it proper to seek the response of the concerned Respondent authorities of the State on these important issues and other related aspects of the matter. For example, in cases of such injuries / casualties caused

due to traffic accidents, what system is in place by the Urban / Municipal / Traffic authorities to lend immediate medical assistance to such victims of accidents; steps and provisions for awarding compensation in such cases; provisions for rehabilitation of such unfortunate victims, such as orphan child who has lost her sole parent and diligent investigation and prosecution of such offenders.

4. The authorities also need to address the other equally important issues; whether a scientific study of the increase in volume of traffic in the capital city of Ranchi is being undertaken so that proper planning and necessary steps can be undertaken keeping into account the increase in the flow of traffic on various arterial roads, junction etc. within the city; steps taken for regulating heavy traffic also comprising heavy and medium transport / commercial vehicles within the city in the ordinary hours of the day so that these incidences can be minimised or avoided; whether in view of the growth of the city as a Capital town, there is a necessity to create infrastructure such as Interstate Bus Stand / Intrastate Bus Stand at appropriate places in the periphery of the city. The population of the city has been increasing since it became capital and constant inflow of vehicular traffic would not only further congest the town but also lead to sharp increase in pollution levels.

5. The State Government may also be required to consider for providing adequate and advanced means for public transport within the city and from the outskirts where such Interstate / Intrastate Bus Terminus are to be located. This could help in the control and regulation of pollution in the city as well in the long run. Adoption of Green Technology in such matters also needs to be kept in mind. It needs no reiteration that the existing roads in the city are overflowing with the burgeoning volume of traffic causing regular jams and accidents and also inconvenience to the commuting public.

6. These issues raised to herein above require involvement of important stakeholders / departments / municipal authorities and the Civil Society at large as well. We therefore consider it proper to implead the following:-

(i) The State of Jharkhand through its Chief Secretary, Government of Jharkhand, Ranchi. (ii) The Finance and Planning Department through its Principal Secretary, Government of Jharkhand, Ranchi. (iii) The Health, Medical Education and Family Welfare Department through its Additional Chief Secretary, Government of Jharkhand, Ranchi. (iv) The Urban Development and Housing Department through its Principal Secretary, Government of Jharkhand, Ranchi. (v) The Transport Department through its Secretary, Government of Jharkhand, Ranchi. (vi) The Road Construction Department through its Secretary, Government of Jharkhand, Ranchi. (vii) The State Pollution Control Board through its Secretary, Government of Jharkhand, Ranchi. (viii) The Director General of Police, Jharkhand, Ranchi. (ix) The Deputy Commissioner, Ranchi. (x) The Senior Superintendent of Police, Ranchi. (xi) The Superintendent of Police(Traffic), Ranchi. (xii) The Ranchi Municipal Corporation through the

Municipal Commissioner, Ranchi. (xiii) The Ranchi Regional Development Authority through its Vice Chairman, Ranchi. (xiv) The Jharkhand Urban Infrastructure Company Limited through its Managing Director.

7. Considering the involvement of various stakeholders, the Departments under the State Government as also the concerned corporations functioning under the respective Departments, it would be appropriate that the competent authority/ Chief Secretary, Government of Jharkhand appoints a Nodal Department under whose aegis such wide ranging issues can be addressed and a consolidated response is brought before this Court on behalf of the Respondent State.

8. Mr. R.R.Mishra, learned G.P.II accepts notices on behalf of various Departments and the authorities of the State Departments and undertakes to seek instructions in the matter. He would also seek instructions from the concerned authorities about the steps taken towards welfare of orphaned child i.e. daughter of Most. Malini Sengupta and compensation etc. if any paid to the kith and kin of the 4 1/2 year old child who also was crushed to death on 30th January, 2017. Office to serve notice enclosing the copy of this order, copy of the letter enclosed thereto along with the annexures on learned counsels representing Ranchi Municipal Corporation, Ranchi Regional Development Authority and State Pollution Control Board as well by Friday. Let the names of learned counsels representing the aforesaid bodies and State be reflected thereafter in the cause list.

9. We also appoint Mr. Prashant Pallav, learned Advocate on the panel of Jharkhand High Court Legal Services Committee, Ranchi and learned counsel Mr. Arun to assist the Court as Amicus Curiae in the matter. The author of the letter, learned counsel Mr. Rahul Kumar Das, practicing advocate of this Court would lend assistance to learned Amicus Curiae. Let the names of learned Amicus Curiae be also reflected in the cause list, henceforth. Let the copy of the instant order along with the letter and its enclosures be also handed over to learned G.P.II and learned Amicus Curiae by Friday i.e. 10.11.2017.

10. List this case on 29th November, 2017 as an unfixed case.