

(2016) 01 RAJ CK 0198

In the Rajasthan High Court

Case No : Civil Writ Petition (PIL) NO. 14661 of 2015

Suo Moto

APPELLANT

Vs

State of Rajasthan & Ors.

RESPONDENT

Date of Decision : 07-01-2016

Acts Referred:

Citation : (2016) 3 WLN 172

Hon'ble Judges : Mr. Govind Mathur and Ms. Nirmaljit Kaur, JJ.

Bench : Division Bench

Advocate : Mr. Vineet R. Dave, Advocate for the Ms. Jiya, Advocate, for the Appellant; Dr. P.S. Bhati, Addl. Advocate General, assisted by Mr. S.S. Rathore, for the Respondent

Final Decision : Disposed Off

Judgement

1. By taking cognizance of an incident reported in "Dainik Bhaskar" dated 3.9.2015, a writ petition was registered relating to regulate traffic movement in the city of Jodhpur specially with regard to vehicles carrying kids from their houses to the educational institutions and vice versa.

2. The petition aforesaid was disposed of by taking into consideration certain safety measures said to be taken by the District Administration. Unfortunately, after disposal of the writ petition, an other accident took place in which a minor girl came to be seriously injured, resulting into amputation of her hand.

3. Taking into consideration this incident, the Court by the order dated 16.12.2015 directed the Collector, Jodhpur as well as the Commissioner of Police, Jodhpur Commissionerate to remain personally present before the Court. A fresh writ petition too was registered under the instructions of the Court. On 17.12.2015, the Court noticed the steps taken by the Police with regard to regulate movement of buses and other traffic in the city of Jodhpur. A direction was also given to provide all necessary medical assistance to the persons injured in the accident concerned. The writ petition was adjourned for today with a

direction to the said authorities to submit their compliance report.

4. In pursuance thereto, a detailed report has been submitted. From persual of the report, it appears that the District Administration is taking certain steps to regulate traffic and is also making effort to have smooth movement in the city. The report, as a matter of fact, is confined to movement of the vehicles carrying students from their houses to the educational institutions and vice versa.

5. We are of the considered opinion that the instant issue essentially pertains to hazardous and chaotic movement of traffic in entire Jodhpur city. We have witnessed the movement of different vehicles in high speed, absolute irregular parking of vehicles, high speed movement of motor bikes by the riders even without wearing helmets and with excessive number of riders. We are having no hesitation in mentioning that the entire traffic system in the city of Jodhpur is highly unregulated and the agency competent to check that is not taking adequate care of that. The non-availability of adequate "Nuffary" may be reason for that but that cannot be any reason not to take adequate care of public movement, it is an obligation of the State and its officers to provide reasonably dignified movement for people on different roads, paths and highways. Taking all objective conditions of the Jodhpur city, we deem it appropriate to direct the respondent-State as under:-

1. The District Administration including the Commissionerate of Police, Jodhpur shall ensure that all the vehicles carrying kids and other students from residence to educational institutions and vice versa should be registered for this purpose and further that no vehicle shall be allowed to carry number of students in excess to the prescribed. The respondents shall positively adhere the decisions taken by them in the meeting dated 18.12.2015, minutes of which are part of the compliance report submitted to us.

2. The respondents shall also ensure that no vehicle specially the city transport buses moves on the roads beyond the prescribed speed limit in the city of Jodhpur.

3. The respondents shall also ensure to provide adequate parking space on different public places and shall not permit parking of vehicles including the Government vehicles in no parking zone or on the main market roads.

4. The respondents shall also ensure that no motor bike shall move in the city of Jodhpur with excess riders than prescribed.

5. The riders covering their head by helmets be only permitted to ride on motor bikes and other automatic two wheelers.

6. The directions earlier given by this Court for restricting entry of heavy vehicles in Jodhpur city area shall be religiously adhered and non-compliance of that be taken as violation of law. In general, the respondents shall ensure positive compliance of the traffic rules applicable.

6. The respondents are directed to continue with the medical aid as required to Ms. Jiya who suffered accident on 15.12.2015.
7. The Court is also of the view to constitute monitoring committee to assess the traffic movement in the city of Jodhpur but at the first instance, we would like to rely upon the officers competent to do so. In view of it, today we are not constituting any monitoring committee.
8. Let the writ petition be listed on 15.01.2016.