
(2014) 02 RAJ CK 0119
In the Rajasthan High Court
Case No : . PIL Petition No. 21601 of 2013

Suresh Kumar Jatrana

APPELLANT

Vs

National Highway Authority of India

RESPONDENT

Date of Decision : 10-02-2014

Acts Referred:

Citation : (2014) 4 CDR 1875

Hon'ble Judges : Amitava Roy, C.J.;Veerender Singh Siradhana, J

Bench : Division Bench

Advocate : Anoop Dhand, Advocate for the Appellant

Judgement

Amitava Roy, C.J.—Heard Mr. Anoop Dhand, learned counsel for the petitioner. The factual background leading to the institution of the instant petition for initiating a public interest litigation is that the respondents herein are in the process of constructing a four lane road at National Highway No. 11, and in the process, are erecting an over bridge of 1 1/2 kms. length. According to the petitioner, when the original project, including the proposed vehicular underpass, was prepared by the National Highways Authority of India (for short, hereafter referred to as "NHAI"), it proposed to construct one vehicular underpass at the intersecting road of Village Govati-Barsinghpura. The Secretary to the Government, Public Works Department (PWD) also approved the new MDR (Major Distance Road) and Extension at this place i.e. Govati-Dukia-Alada-Dhingpur-Pachar-Khachryawas-Kuli-Karad-Kankra-Dansoli, and this was conveyed to the Chief Engineer, PWD, Rajasthan, Jaipur. The petitioner has alleged that however, under the pressure of some influential bureaucrats and politicians, the NHAI changed its original proposed plan of constructing the vehicular underpass at Govati-Barsinghpura (Palsana), District Sikar, and has now constructed this underpass at a distance of 1200 metres from the proposed site at Village Sawalpura Road by drawing a wrong map.

2. One Sunda Ram, resident of Village Govati, District Sikar, in the recent past, approached this Court with D.B. Civil PIL Writ Petition No. 2704/2013, which was

disposed of by a coordinate Bench of this Court on 25.2.2013, leaving him at liberty to file an appropriate representation before the concerned authorities ventilating his grievances, with a direction to the Project Director, NHAI Circle, Reengus, District Sikar to consider the same in accordance with law. Incidentally, following were the reliefs prayed for in the said proceedings:--

"(i) Issue a writ, order or direction in the nature thereof thereby directing to the respondents to construct an underpass at chainage No. 320.100 on National Highway No. 11 at the point where the bye-pass road intercepts the Govati-Khatushyamji Road.

(ii) Any other order which this Hon"ble Court deemed just and proper in the facts and circumstances of the case may also be passed in favour of the petitioner."

As would be evident, the issue raised therein, did pertain as well to a vehicular underpass at the intersection of the Govati-Khatushyamji Road.

3. Be that as it may, the petitioner herein has contended that the Assistant Engineer, PWD, Sikar and the District Collector, Sikar have also recommended to the NHAI and the State Government for constructing a vehicular underpass at Palsana-Govati-Khatushyamji Road, District Sikar. According to him, if such vehicular underpass is constructed, no additional expenditure would be incurred. That meanwhile on 14.11.2013, he has submitted a representation to the NHAI and other authorities voicing the concern and grievance of the local villagers, and that, they (villagers of 27 adjoining villages) are staging demonstration to address their demands, has been mentioned. It has been stated as well that the villagers have also submitted a representation before the District Collector, Sikar. The petitioner has mentioned that the total population of the 27 villages, likely to be affected, is about 1,50,000, and that, on the northern side of the proposed over bridge, there are many educational institutions, where thousands of students study. Apart therefrom, many villages are situated on the southern side of the highway at Palsana, so much so, that unless vehicular underpass at Govati-Barsinghpura intersection is provided, it will not only cause serious inconvenience to the inhabitants of the locality, but also would enhance the possibility of accidents and mishaps. According to the petitioner, the NHAI, by overlooking the genuine grievances and demands of the said villages, has instead, undertaken to construct two underpasses near Village Goriya, population whereof, is 10% of that of Palsana. That as per the norms of the NHAI, vehicular underpass can be constructed, if any village road is having PUC traffic of more than 5000, and that, as per the report of the Executive Engineer and the District Collector, Sikar, the PUC traffic of Govati-Barsinghpura Khatu is more than 6288, justifying the vehicular underpass thereat, has been underlined. The petitioner has stated further that demanding justice, meanwhile on 23.11.2013, a notice has also been addressed by him to the respondents, through his learned counsel.

4. Upon hearing the learned counsel for the petitioner and on a consideration of the pleaded facts and the documents on record, we consider it appropriate to

leave the petitioner at liberty to submit a fresh representation detailing all relevant facts, accompanying documents in support thereof, before the Project Director, NHAI Circle, Reengus, District Sikar within a week herefrom, alongwith the certified copy of this order. If such a representation is filed, the aforementioned authority would decide on the same, after giving due opportunity of hearing to the petitioner and pass appropriate orders thereon. This course, we have adopted, as we perceive that the process would involve examination of various factual aspects. Though, by order dated 25.2.2013 passed by a coordinate Bench of this Court in D.B. Civil PIL Writ Petition No. 2704/2013 initiated by one Sunda Ram, the petitioner therein had been permitted to submit representation, the materials presently available before us do not demonstrate, with certainty, as to whether such a step was taken by him or any decision has been taken on the issue by any authority. Be that as it may, if the representation by the petitioner herein is filed alongwith the certified copy of this order, the Project Director, NHAI Circle, Reengus, District Sikar would undertake and complete the exercise within four weeks from the date of receipt thereof. We make it clear that hereby this Court has not directed the authority concerned to take any particular decision and it is left at liberty to pass appropriate orders, on a due consideration of all relevant aspects in accordance with law.

The petition is closed in these terms.