

Harendra Kumar Singh Vs. Road Transport and Highways

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Court : Jharkhand

Decided On : Jan-27-2016

Appellant : Harendra Kumar Singh

Respondent : Road Transport and Highways

Judgement :

1 IN THE HIGH COURT OF JHARKHAND AT RANCHI W.P (PIL) No. 6141 OF2008 Rajneesh Mishra Versus Union of India & Ors. With W.P (PIL) No. 2913 OF2012 Court On Its Own Motion Versus The State of Jharkhand & Ors. With W.P (PIL) No. 214 OF2014 Harendra Kumar Singh Versus The State of Jharkhand & Ors. ----- CORAM: HONBLE MR. JUSTICE VIRENDER SINGH, CHIEF JUSTICE HON'BLE MR. JUSTICE P.P. BHATT ----- For the Appellant/Petitioner: M/s. Sohail Anwar, Senior Advocate, Dilip Jerath, Advocate For the Respondent-State M/s.Ajit Kumar, AAG, Vikash Kumar, JC to AAG ----- Order No.74/Dated:

27. h January, 2016 Per Virender Singh, C.J.: This order be read in continuation of our last order dated 16 th December, 2015, whereby with regard to plying of Auto-Rickshaws in Ranchi town, certain directions were given to the Superintendent of Police, Traffic and for the purposes of exploring the possibilities of installing Auto L.P.G Retail Outlets in Ranchi town.

2. What appears to the Court is that on both the aspects, there is a progress shown by the State.

3. So far as Auto Rickshaws are concerned, Mr. Kumar, learned A.A.G, states that no fresh permit is being granted either to diesel or petrol auto rickshaws for Ranchi town and that for the purposes of giving different colours to auto rickshaws, who have already been granted permits, Pink colour has been earmarked for auto rickshaws to be plied by lady-drivers and to be used by lady passengers only and the same will be known as, Mahila Chalit Auto Rickshaw, whereas Green colour has been earmarked for other auto rickshaws having permits for Ranchi Town to be used by general public.

4. Mr. Kumar states that all this exercise should be complete within six months time and a detailed response will be placed before the Court in this regard. We appreciate it. 2 5. So far as installation of Auto L.P.G Retail Outlets in Ranchi Town is concerned, the matter has also been discussed threadbare by the Deputy Commissioner, Ranchi, Senior Officials of Heavy Engineering Corporation (H.E.C) and the representatives of the three Oil Companies. It has been decided that three Auto L.P.G Retail Outlets shall be installed in Ranchi Town very shortly, for which H.E.C has agreed to provide three sites, one in Satellite Colony near Delhi Public School, other near State Bank of India, Dhurwa Branch and third near Jagarnathpur Temple.

6. Mr. Jerath states that as per the affidavit tendered by the Deputy Commissioner, three Oil Companies have already applied for getting the land on lease.

7. We really appreciate the endeavour made by the Deputy Commissioner, Ranchi, in this regard, which was required in the present set of circumstances.

8. At this stage, Mr. Jerath states that perusal of the affidavit filed by the Deputy Commissioner, Ranchi further indicates that the Jharkhand State Housing Board has also assured that lands at three different places will be provided by the Board for installing Auto L.P.G Retail Outlets and even proposal has been mooted through the Board for earmarking the land near Sai Hospital, Bariatu, the other at Harmu Colony, Main Road and then in Hinoo-Doranda area.

9. We expect that Jharkhand Housing Board will take all the required steps in this regard to allot the aforesaid sites so that the Auto L.P.G Retail Outlets are installed

without any waste of time.

10. In this way, Ranchi Town will be getting six Auto L.P.G Retail Outlets.

11. Mr. Anwar, learned Senior Counsel, who is one of the Members of the Committee constituted by the Court in terms of the order dated 17th April, 2012, states that after the Committee was constituted, it had deliberated upon certain very vital issues relating to traffic congestion of Ranchi Town and remedial 3 measures thereof including adjusting road vendors, but it appears that for the last more than about six months, Members of the said Committee have not assembled to deliberate upon certain issues, which could be sorted out in presence of the officials of different Departments only, who too are Members of the said Committee. Mr. Anwar, Senior Counsel, stated that it would be most appropriate, if the Members of the said Committee meet once again, may be in the next month only, to have discussion on certain issues, which, according to him, even are not required to be brought to the notice of the Court for getting an effective order. Mr. Anwar stated that in terms of the order dated 06.01.2014, there was a direction to the Committee to hold its meeting once in a month starting from January, 2014 and was supposed to file periodical reports on certain issues indicated in the said order.

12. Although certain aspects, which were to be deliberated upon in the meetings of the said Committee, have taken care of in the instant petition by passing effective orders on different dates from 6th January, 2014 till date, yet we direct the Committee to hold its meeting in the next month itself and place before the Court its detailed report apprising the Court about all the issues discussed in the meeting of the said Committee and suggestions, if any, made by the Members of the Committee. We appreciate if Mr. Ajit Kumar, learned A.A.G, who is also a Member of the said Committee, makes it convenient for himself to have discussion so that some concrete proposal is placed before the Court, which undoubtedly would facilitate the Court for passing an effective order on the next date on any other issues left by the Court and appears to be an important one with regard to pollution, traffic congestion and removal of encroachment etc.

13. Mr. Anwar, Senior Counsel, has then given the following three important suggestions:- (i) Air Masks be provided to all the Traffic Constables/Officials on duty; 4 (ii) Prohibited Horns be stopped for Trucks, Buses and for that matter, any vehicle; and (iii) To check Air and Sound Pollution at different busy Chowks and Places (Religious places also).

14. So far as providing Air Mask to the officials on duty is concerned, Mr. Kumar, learned A.A.G, states that he will take up this matter with the Superintendent of Police, Traffic, today only and would ensure that all the Traffic Constables/Officials on duty are provided not only Air Masks but Goggles also as this would prevent them from being in contact with Chest and Eye diseases.

15. So far as stopping of Prohibited Horns on different vehicles is concerned, Mr. Kumar, learned A.A.G, states that this aspect shall also be taken very seriously and without any waste of time.

16. With regard to Air and Sound Pollution at different places including religious places, Mr. Kumar, learned A.A.G, suggests that it would be better if this issue is deliberated upon by the Committee, which is convening its meeting in the next month only, in presence of all Senior Officials of the Departments and according to the suggestions put forth, required action shall be taken in this regard. Mr. Kumar is right in saying so.

17. List again on 16.03.2016 within first ten cases, to be indicated in Orders Column of the Daily Cause List, to have the latest output with regard to all the aspects referred hereinabove.

18. Copy of the order shall be provided to the counsel for the parties under the seal and signature of the Court Master. (Virender Singh, C.J.) (P.P.Bhatt, J.)
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