

**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**

D.B. Civil Writ Petition No.5728/2019
Sanjay Bazaar Vyapar Mandal Samiti

-----Petitioner

Versus

Principal Secretary Department Of Local Self

-----Respondent

Connected With

1. D.B. Civil Writ Petition No. 446/2015
2. D.B. Civil Writ Petition No. 21797/2017
3. D.B. Civil Writ Petition No. 26359/2018

For Petitioner(s)	:	Mr. Vimal Chaudhary with Mr. Yogesh Kumar Taylor Mr. Poonam Chand Bhandari Mr. Pradeep Choudhary Ms. Sangeeta Sharma
For Respondent(s)	:	Mr. R.D. Rastogi, Senior Advocate, with Mr. Ashish Kumar Singh and Mrs. Naina Saraf Mr. Anil Mehta, Additional Advocate General Mr. Sandeep Singh Shekhawat for JVVNL Mr. Sahir Hussain, Ms. Purvi Mathur, Mr. Kushagra Sharma for applicant Tata Communication Ltd. Mr. V.P. Singh, Commissioner, Municipal Corporation, Jaipur

**HON'BLE MR. JUSTICE MOHAMMAD RAFIQ
HON'BLE MR. JUSTICE NARENDRA SINGH DHADDHA**

Order

05/08/2019

Mr. Pradeep Choudhary, learned counsel, who was appointed as Court Commissioner, has submitted a survey report of Jaipur city, in which he has pointed out the concentration of stray animals, especially in the dairies located in different parts of Jaipur city. He contended that some of the animals, which are taken as stray cattle, are in fact owned by dairy owners, who have devised this modus operandi to maximize the number of cattle in the dairy

and after milching release them in open. He has given the particulars of such dairies and the locations where concentration of such stray animals was found. Mr. Ashish Kumar Singh, learned counsel, who was also appointed as Court Commissioner, had earlier submitted a survey report, has today submitted another survey report giving the locations of large number of stray animals at different locations of Jaipur city. Both the Court Commissioners along-with the survey reports have submitted photos of the locations, wherein the cattle are seen and also indicated the approximate locations of the area where they were found to be wandering.

We record our sense of appreciation for both the learned counsel for hard labour and efforts put in by them in conducting such extensive survey and preparing the reports along-with photographs.

Copies of earlier reports of survey conducted by Mr. Pradeep Choudhary and Mr. Ashish Kumar, Court Commissioners, and now survey report filed today by Mr. Ashish Kumar Singh, have been supplied to Mr. R.D. Rastogi, learned Senior Counsel appearing for the Municipal Corporation, Jaipur, who submitted that after the last order was passed by this court on 17.07.2019, as per the identification made by the Court Commissioner Mr. Ashish Kumar Singh, 306 cattle were caught from different parts of the country and were lodged with 'Hingonia Gaushala'. He submits that the Municipal Corporation, Jaipur, shall continue to undertake this derive on the basis of the survey reports submitted by both the Court Commissioners.

Mr. V.P. Singh, Commissioner, Municipal Corporation, Jaipur, who is present in the court, submits that in view of the order of

this Court dated 17.07.2019, adequate police help was provided to the Municipal Corporation, Jaipur, by the Commissioner of Police, Jaipur, and it was owing to this fact that the respondents could this time catch such large number of stray cattle. He also submits that this derive shall be further continued.

The Commissioner of Police, Jaipur, is directed to continue to provide such police help with sufficient number of police constables to the Municipal Corporation, Jaipur, for carrying out this task.

Mr. R.D. Rastogi, learned Senior Counsel, submitted that though the licenses for dairies and other cattle in the municipal area is required to be obtained from the Municipal Corporation as per Section 247 of the Rajasthan Municipalities Act, 2009, but the State Government in exercise of its powers under Section 337 of the Act, has so far not framed the Rules.

Mr. Anil Mehta, learned Additional Advocate General appearing for the State, submits that he shall advise the Government to examine this aspect of the matter and if required, initiate the process of framing of the necessary rules at the earliest.

Mr. R.D. Rastogi, learned Senior Counsel, further submits that a letter of request has been sent by the Municipal Corporation, Jaipur, to the Director, Animal Husbandry, Rajasthan, Jaipur, for providing six Live Stock Assistants on deputation to them for carrying out enormous task of complying with the order of this Court. He has provided a copy of such letter to Mr. Anil Mehta, learned Additional Advocate General.

The Director, Animal Husbandry, Rajasthan, Jaipur, shall pass necessary orders for providing six Live Stock Assistants to the

Municipal Corporation, Jaipur, within ten days so that the aforesaid work is effectively carried out by the Municipal Corporation, Jaipur, in the overall interest of the residents of the Jaipur city. Mr. Anil Mehta, learned Additional Advocate General, shall file compliance report regarding this direction.

Mr. R.D. Rastogi, learned Senior Counsel, submitted that despite the order passed by the State Government and alternative sites provided by the Jaipur Development Authority, if any illegal dairy is operating in the city area, such dairies are required not only to be removed but their water and electricity connections are also required to be discontinued.

The Commissioner of the Municipal Corporation, shall serve due notice to dairy owners for removing the dairies within 10 days of notice. If despite that, dairies are not removed, he shall have all the cattle removed to the 'Gaushala'. He shall after recording such satisfaction, shall send a communication to the concerned officer of the Jaipur Vidyut Vitaran Nigam Limited (JVVNL) as also the Public Health Engineering Department (PHED) for discontinuing electricity and water supply to the dairies.

Number of learned counsels appearing in this Court submitted that large number of accidents have taken place, especially on busy road crossings in different parts of the city, owing to the decision of the Jaipur Development Authority/Jaipur Municipal Corporation to remove the Rotary/Circles, such as, JDA Circle, Rambagh Circle, Indira Circle, Chomu Circle, Amrapali Circle, Nursery Circle, Vaishali Circle (Vaishali Nagar) and various other busy crossings. Though circles have been removed from all those places but they are still popularly known as circles.

The Jaipur Development Authority and the Jaipur Municipal Corporation shall have this issue examined by forming a committee of traffic experts on the basis of survey of traffic and number of accidents, which have taken place in and around all such road crossings during past two years. They shall consider the merits of having such rotary/circles vis-a-vis demerits of not having them and also consider having rumble strips on all such crossings where heavy traffic passes through. The said committee shall also in its report suggest how best to regulate the traffic on all such busy road crossings including about the advisability of having single lane flyovers with camber and super elevation to ease the pressure of traffic and elimination of red light signals to the maximum extent possible and proper fixation of traffic signals and duration of stoppage, whenever such flyovers are also totally not feasible due to space constraints.

List these matters on 28.08.2019 to see further progress. The further compliance report shall be filed on the affidavit of the Commissioner, Municipal Corporation, Jaipur, and the Commissioner, Jaipur Development Authority, Jaipur. For the time being, presence of Mr. V.P. Singh, the Commissioner, Municipal Corporation, Jaipur, is exempted.

Office to provide a copy of this order to Mr. R.D. Rastogi, learned Senior Counsel, and Mr. Anil Mehta, learned Additional Advocate General, for onward transmission and compliance.

(NARENDRA SINGH DHADDHA),J

(MOHAMMAD RAFIQ),J