

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition (PIL) No. 7818/2026

- 1 Om Prakash, S/o Prabhu Dayal, Aged About 23 Years, R/o Village Udawala, Tehsil Shahpura, Jaipur.
- 2 Teeku Ram, S/o Ghisa Ram, Aged About 73 Years, R/o Dhani Antawala, Village Udawala, Tehsil Shahpura, Jaipur.
- 3 Kanhaiya Lal, S/o Hardev, Aged About 71 Years, R/o Dhani Antawala, Village Udawala, Tehsil Shahpura, Jaipur.
- 4 Ram Avatar, S/o Narayan Lal, Aged About 52 Years, R/o Dhani Antawala, Village Udawala, Tehsil Shahpura, Jaipur.
- 5 Ganga Ram, S/o Ghisa Ram, Aged About 72 Years, R/o Dhani Dungarsiwala, Village Udawala, Tehsil Shahpura, Jaipur.
- 6 Harphool, S/o Gopi Ram, Aged About 55 Years, R/o Dhani Dungarsiwala, Village Udawala, Tehsil Shahpura, Post Ghasipura, Jaipur.
- 7 Mohan Lal, S/o Suwalal, Aged About 52 Years, R/o Dhani Sagar, Village Khojawala, Tehsil Shahpura, Jaipur.
- 8 Ranveer, S/o Chittar Mal, Aged About 40 Years, Dhani Sagar, Village Khojawala, Tehsil Shahpura, Jaipur.
- 9 Kanhaiya Lal, S/o Murali Dhar, Aged About 63 Years, R/o Bawadi Ki Dhani, Village Khojawala, Tehsil Shahpura, Jaipur.
- 10 Sita Ram, S/o Kishanaram, Aged About 67 Years, R/o Gangaram Wali Dhani, Village Manoharpur, District-Jaipur.
- 11 Surendra Singh, S/o Mohan Lal, Aged About 31 Years, R/o Antawala, Village Udawala, Tehsil Shahpura, Jaipur.
- 12 Narshi S/o Nathu Lal, Aged About 37 Years, R/o Of Pipla Kothi, Village Khojawala, Tehsil Shahpura, Jaipur.
- 13 Vinod Kumar, S/o Sadhu Ram, Aged About 39 Years, R/o Dhani Gangaram, Village Udawala, Tehsil Shahpura, Jaipur.
- 14 Roop Narayan, S/o Jagdish Prashad, Aged About 30 Years, R/o Dhani Nengyawali, Village Khojawala, Tehsil Shahpura, Jaipur.

----Petitioners

Versus

- 1 Chairman, National Highway Authority Of India, Plot No. G - 5-6, Sector No. 10, Dwarka, New Delhi.
- 2 Regional Officer, National Highway Authority Of India, Jan Path, Shyam Nagar, Jaipur.
- 3 Project Director, National Highway Authority Of India, D-148, Vaishali Nagar, Near Ambrapali Circle Jaipur.

-----Respondents

For Petitioner(s) : Mr. R.A. Katta with
Mr. M.K. Dhakad

For Respondent(s) :

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BIPIN GUPTA

Order

04/05/2026

1. The petitioners claim to be the residents of a village situated in the vicinity of National Highway No. 48 (Jaipur-Delhi Highway). Their grievance is that the National Highway Authority has decided to construct a Foot Over Bridge (hereinafter referred to as "FOB") connecting the two sides of the highway. However, the petitioners generally cross the National Highway along with their cattle, tractors, and other agricultural equipment. The prayer of the petitioners is that an underpass be constructed to enable effective vehicular crossing and to ensure the safe passage of villagers, cattle, tractors, and agricultural implements.
2. Learned counsel for the petitioners has candidly submitted that an underpass exists at a distance of about 10 kilometers. However, it is contended that the very purpose of constructing the FOB is not justified, as it lacks practical viability. It is further submitted that the local residents are required to cross the National Highway along with their belongings and equipment.

3. The prayer made in the writ petition is as under:

"10. Relief (s) prayed for:

It is, therefore, respectfully submitted that your Lordships may be gracious enough to kindly allow this Public Interest Litigation, and -

I. The Respondent to provide safe and efficacious facility to cross the National Highway to the Petitioners and other villagers; along with their respective cattle/livestock;

II. To direct the Respondents to take action only basing upon the report as mandated by Clause 104.1.2 of IRC:5-2015 to consult with authorities and local public who are directly/indirectly connected with the project.

III. Direct the Respondent to take immediate safety measures at the accident prone site;

IV. The Respondent be directed to reconsider and set aside the proposal for construction of the Foot Over Bridge at the concerned location and to construct a suitable and effective vehicular crossing for the safe passage of villagers, cattle, tractors and agricultural equipment by way of constructing underpass or in alternative any work order is issued for construction of FOB, same may kindly be set aside;

V. The Respondent be directed to consult with authorities and local public who are directly/indirectly connected with the project as per clause 104.1.2 of IRC:5-2015.

VI. The Respondent be directed to follow their own policy guidelines, i.e. the NHAI Circular No.11014/11/2016-HR-I (Policy Matter-10.1.16/2017) dated 12.06.2017, design to protect rural and agricultural road users;

VII. Any other appropriate writ, order or directions which is deemed just and proper by this Hon'ble Court may also be passed in favour of the petitioners;

11. Interim order, if prayed for:

During pendency of the writ petition the respondents be directed to immediately stop the construction of the proposed FOB, till the pendency of the present PIL and to conduct a study before construction of FOB as mandated by clause 101.51 of IRC:5-2015 as to the viability of the structure keeping in mind the needs of local residents of the area and decision should be taken only after a proper study as per the directions of the Indian Road Congress."

4. The decision as to how a National Highway is to be constructed lies exclusively within the domain of the Highway Authorities. Once the land has been acquired for the purpose of establishing a National Highway, the necessary requirements are to be determined by experts in the field.

5. Insofar as the residents who have set up shops on both sides of the highway are concerned, we notice that they have been crossing the National Highway on foot, resulting in several accidents. A crossing already exists on NH-48, approximately 190 meters from the WPM Road of Udawala.

6. With regard to village Khojawala, the same is situated on the opposite side, at a short distance of about 240 meters from the WBM Road, where a FOB is being constructed for pedestrians. There can be no objection to the construction of such an FOB. As regards the demand for an underpass, the same is not presently found to be made out, particularly in view of the fact that a crossing already exists at a distance of approximately 190 meters from the WBM Road of Udawala, which provides access to the other side of the highway.

7. Such decisions are, therefore, best left to the administrative authorities and the National Highway Authorities.

8. No case for Public Interest Litigation (PIL) is made out.

9. Accordingly, the present writ petition stands dismissed.

10. Pending application(s), if any, stands disposed of.

(BIPIN GUPTA),J

(SANJEEV PRAKASH SHARMA),ACTING CJ