

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

In RE: JAIPUR (PUBLIC ROADS AND ITS CORRECTIVE MODES)

JUSTICE PRAMIL KUMAR MATHUR

Order

30/07/2025

REPORTABLE

BY THE COURT

1. This matter is with respect to pathetic condition of public roads in Jaipur City.
2. This Court takes serious note of news items published in daily news papers **Rajasthan Patrika** dated 14.07.2025 (Annexure-1), dated 29.07.2025 (Annexure-2) and dated 30.07.2025 (Annexure-3), **Dainik Bhaskar** dated 22.07.2025 (Annexure-4), dated 29.7.2025 (Annexure-5) **and Times of India** dated 18.07.2025 (Annexure-6), and dated 29.07.2025 (Annexure-7), highlighting the deplorable conditions of public roads in Jaipur City.
3. Jaipur known as Pink City, being a UNESCO World Heritage City holds immense historical, cultural and architectural significance attracting a substantial number of domestic and international tourists annually.
4. The city's streets are not merely transport routes, they are corridors of living heritage boarded by iconic havelis, palaces, markets and temples dating back to the 18th Century.
5. The poor state of infrastructure undermines the Pink City's global image, discourage tourism and impacts social livelihood dependent on the tourism economy. The aesthetic value and

accessibility of its heritage sites, markets and structures are being gravely undermined by the poor and dangerous conditions of its roads.

6. The roads across various parts of the Jaipur including major roads and surrounding areas are in crumbling and potholed state, lack proper drainage, which pose a serious threat and rendering entire city unsafe for pedestrians, commuters, tourists and residents alike, especially during the monsoon season. The city is struggling with waterlogging, urban flooding and drainage collapse during every monsoon. Drainage system often fails to cope with the sudden influx of rainwater which is a serious issue affecting daily life, the infrastructure, health and the environment.

7. The authorities have failed to take timely and durable actions to repair and maintain these roads. Monsoon rains have further exacerbated the condition, leading to situation like floods, exposed manholes, and traffic bottlenecks. This inaction of the concerned authorities is not only endangering public safety but is also severely tarnishing the international image of Jaipur as a well planned and heritage protected city in violation of Article 21 of the Constitution of India which guarantees the Right to Life and Livelihood with Dignity.

8. Despite repeated complaints by residents and media coverage, no effective steps have been taken by the authorities to improve the road infrastructure. The poor road conditions have led to repeated accidents, traffic chaos, water-logging and erosion of heritage structures due to the absence of timely maintenance, planning and accountability by the concerned authorities.

9. In spite of the allocation of substantial public funds for road development and maintenance, the ground reality reflects sub-standard constructions and early deteriorations raising serious concerns of mismanagement, negligence and possible malpractices.

10. Roads constructed using crores of taxpayer's money are often damaged within a day due to poor material quality and construction. These roads are handed over without adhering to the standard quality checklists and enforcing the Defect Liability Period ("DLP"). Officials responsible for approving, supervising and certifying road works often escape despite visible lapses. Contractors are rarely penalized or blacklisted and tenders continue to be awarded to habitual defaulters.

11. Under Article 21 of the Constitution all persons have the Right to Life which includes right to live in a safe and clean environment. The road situation in Jaipur violates this very fundamental right and disregards the responsibility of the State to protect its cultural and architectural wealth under Article 49 of the directive principles of the State policy.

12. The Jaipur Development Authority (JDA) and Municipal Corporations agencies have overlapping responsibilities but no coordinated execution plan and lack of coordination among various departments leading to repeated digging of roads.

13. The failure to maintain basic civic infrastructure, especially in heritage precincts, violates Article 21 of the Constitution of India (Right to Safe Living Conditions) and Article 49 of the Constitution of India (Protection of Monuments of National Importance) along

with the directive principles under Article 47 and 48-A of the Constitution of India. Moreover, this act of negligence hampers Article 19 (1)(d) of the Constitution which guarantees all the citizens the right to move freely throughout the territory of India. The pathetic conditions of roads severely restricts access and movement, infringing upon this fundamental right. This Court takes into account the judgement rendered by Hon'ble Apex Court in the case of **State Of Himachal Pradesh Vs. Umed Ram Sharma, AIR 1986 SC 847**. The relevant paragraph of the judgement is reproduced as under:

"It appears to us that in the facts of this case, the controversy lies within a short compass. It is well-settled that the persons who have applied to the High Court by the letter are persons affected by the absence of usable road because they are poor Harijan residents of the area, their access by communication, indeed to life outside is obstructed and/or prevented by the absence of road. The entire State of Himachal Pradesh is in hills and without workable roads, no communication is possible. Every person is entitled to life as enjoined in Article 21 of the Constitution and in the facts of this case read in conjunction with Article 19(1)(d) of the Constitution and in the background of Article 38(2) of the Constitution every person has right under Article 19(1)(d) to move freely throughout the territory of India and he has also the right under Article 21 to his life and that right under Article 21 embraces not only physical existence of life but the quality of life and for residents of hilly areas, access to road is access to life itself. These propositions are well-settled. We accept the proposition that there should be road for communication in reasonable conditions in view of our Constitutional imperatives and denial of that right would be denial of the life as understood in its richness and fullness by the ambit of the Constitution. To the residents of the hilly areas as far as feasible and possible society has constitutional obligation to provide roads for communication."

14. It is high time to contemplate that will Jaipur remain the proud Pink City known for its beauty and heritage, or turn into a sink city that crumbles under its own infrastructural problem. The choice lies in planning, governance and citizen participation.

15. In the light of the above, this Court is of the view that maintenance of road, is a basic civil duty and the failure of the State Authorities and Municipal Corporations to discharge this obligation results in daily hardships, accidents and sometimes loss of life.

16. Hence, this Court is of the opinion that for ensuring public safety, it is duty of the State Government to take care of the issues highlighted in the news paper reports. Therefore, this Court deems it fit to treat these news paper items as a suo moto writ petition titled as **In RE: JAIPUR (PUBLIC ROADS AND ITS CORRECTIVE MODES)** in accordance with the powers conferred under Rule 385-P of the Rules of the High Court of Judicature for Rajasthan, 1952 and to issue notices to the following authorities:

(1) State of Rajasthan through the Chief Secretary, Government of Rajasthan, Jaipur.

(2) Principal Secretary, Urban Development and Housing Department, Jaipur.

(3). Commissioner, Jaipur Development Authority, Jaipur.

(4) Commissioner, Municipal Council, Greater, Jaipur

(5) Commissioner, Municipal Council, Heritage, Jaipur.

17. The State Government through JDA and Municipal Corporations, Jaipur, is directed to undertake a survey of roads and submit a report within two weeks. The concerned authorities

shall prepare and file an action plan within four weeks indicating the time-line for repairs and improvements.

18. They may file a comprehensive affidavit within four weeks from today, explaining:-

- . the present conditions and maintenance status of key roads in Jaipur;
- . the steps required and up gradation in heritage zones;
- . the scheme to tackle effectively the water logging and sewerage problem
- . the information about immediate corrective and punitive measures.
- . the names of persons accountable for sub-standard materials and techniques;
- . the names of persons who have failed to ensure compliance of technical specifications;
- . the names of persons who have approved the bills without proper inspections;

19. The Registry is directed to treat it as Public Interest Litigation. Mr. R.N. Mathur, Senior Advocate, Mr. Tanveer Ahamad, Advocate, Mr. Sandeep Pathak, Advocate and Mr. Madhushudhan Singh Rajpurohit, Advocate are hereby directed to assist the Court on the issue involved in this petition. Names of the respective counsel and their associates be reflected in the cause list.

20. A copy of this order along with Annexures be supplied in the office of learned AAG for necessary compliance.

21. The Registry is directed to list the matter before the appropriate Bench having the roster within 10 days from today.

22. Counsel other than the State shall be paid remuneration by the Rajasthan Legal Services Authority as per rules.

23. Let this order be published in the media, both digital and print, to enable members of the public and heritage conservation experts to submit their inputs, if any, to the Registry of this Court.

(PRAMIL KUMAR MATHUR), J.

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