



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

D.B. Civil Writ Petition No. 21972/2018

Pankaj Sharma "Kaku" Son Of Shri B.m. Sharma

-----Petitioner

Versus

Union Of India and Anr.

-----Respondents

For Petitioner(s)	:	Mr. Prashant Sharma (through VC) for Mr. Uday Pradeep Gaur
For Respondent(s)	:	Mr. R.D. Rastogi, ASG with Mr. C.S. Sinha, Mr. Devesh Yadav for UOI

**HON'BLE THE ACTING CHIEF JUSTICE MR. MANINDRA MOHAN SHRIVASTAVA
HON'BLE MRS. JUSTICE SHUBHA MEHTA**

Order

19/12/2023

1. Learned counsel for the respondents submits that a news item has appeared in the news-paper regarding the death of one Pankaj Sharma "Kaku". On the next date of hearing, learned counsel for the petitioner shall submit the documents in this regard.
2. It is a PIL raising an issue with regard to difficulty in traffic movement across Railway Level Crossings.
3. In the petition, the petitioner has prayed that the Railway should be directed to install and operate timer displaying time of closure and opening of Railway Level Crossing.
4. In a detailed reply, it has been stated that installation of timer on the Railway crossings is not practically possible. With reference to the averments made in the reply, it is stated that since the exact position of the train in a block is not known to the

station master, precise prediction as to when will a train pass through a particular railway level crossing is, at present, not possible. It is also stated that in case of movement of trains from either directions, level crossing gate is also required to be closed. Further, level of complexity is added by the nature of operations of goods trains which move according to transportation sector prevalent in the country and not run as per the time table. Hence, it is difficult to predict about the exact time of their crossing through a level crossing. It is also stated that further level of complexity is introduced on account of asset failures (Loco failure), human run over, chain pulling, cattle run over cases, wagon and coach related issues, break binding etc. in course of the train journey. Therefore, the timer system which predicts the accurate timing of passing of train, opening of the gate and closing of the gate is practically not possible at Railway crossings.

5. We find that the issue of having the timer on the railway level crossing has been adequately dealt with in the reply of the respondents and the reasons have been assigned to make such a proposal mooted by the PIL petitioner, a practical impossibility. Therefore, to that extent, we are not inclined to issue any direction to the respondents to install timers on the railway level crossings.

6. At the same time, taking into consideration the difficulty in traffic movement in and around the city of Jaipur, we grant four weeks' time to the respondents to place before the Court proposal, with regard to construction of Railway Over Bridge or under-pass to reduce traffic congestion across railway level crossings.

7. Taking into consideration that for construction of Railway Over Bridge or under-pass, the State Authority and Corporation may also have role to play, we direct the State of Rajasthan through the Department of Urban Development, as also Municipal Corporation (Heritage), Jaipur and Municipal Corporation (Greater), Jaipur and Jaipur Development Authority be impleaded and issued notice along with the copy of this order.

8. List this case on 30.01.2024.

(SHUBHA MEHTA),J

(MANINDRA MOHAN SHRIVASTAVA),ACTING CJ