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High Court of Madhya Pradesh : Bench At Indore

DIVISION BENCH: HON'BLE MR. JUSTICE VIVEK RUSIA &
HON'BLE MR. JUSTICE RAJENDRA KUMAR (VERMA)

Writ Petition No.27464/2018

Petitioners -

1. Cycle Yaatri Samooh
A group of Pedestrians, Cyclists,
citizens and social workers of Indore
Address - C/o "Roopankan", 31
Shankar Ganj, Qila Road
Indore 452006
Through Smt. Nirmala Devre
Widow of Late Rajendra Devre
Age - 49 years
Occupation - Social worker
Address - 290, Kannu Patel
Ke Chawl, Near Jagjivan Ram
Nagar, Indore 452010
2. "Roopankan", an NGO working
for the underprivileged children
of the society and other associated
matters of social importance
Address Shankar Ganj, Qila Road
Indore 452006
Through Ashok Dube
S/o Late B.N. Dube, Age - 60 years
Occupation - Calligrapher and
social worker R/o 31 Shankar Ganj
Qila Road, Indore 452006
3. Smt. Bharti Sarwate
W/o Nitin Sarwate, Age - 46 years
Occupation - Artist, R/o G-13
Ratlam Kothi, Indore
4. Saurabh Das
S/o Ashok Kumar Das,
Age 33 years, Occupation-Artist
R/o 41 Radio Colony, Indore

versus

Respondent(s)-

1. Union of India
Through Secretary
Ministry of Urban Development
Government of India, New Delhi
2. State of Madhya Pradesh
Through the Secretary, Department
of Urban Administration and
Development, Bhopal (M.P.)

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3. Indore Municipal Corporation
Through the Commissioner, Indore
4. The Collector, District - Indore
Moti Tabela, Indore (M.P.)
5. The Commissioner, Indore Division
Moti Bungalow, M.G. Road, Indore
6. Madhya Pradesh Pashchim Kshetra
Vidyut Vitran Company Limited
Through the Managing Director
and Chairman, G.P.H. Compound
Polo Ground, Indore
7. DIG, Police, Indore Range, Indore
8. Indore Development Authority
7 Race Course Road, Indore (M.P.)
9. Indore Smart City Development
Limited, Regd. Off.:107-109
Palika Plaza Phase II M.T.H.
Compound, Indore 450007 (M.P.)

Indore, dated 12.01.2022

Heard through Video Conferencing.

Shri Abhimanyu Sanap, learned counsel for the petitioners.

Shri Manoj Munshi, learned counsel for respondent No.3.

Shri Manu Maheshwari, learned counsel for respondent No.6.

Shri Ambar Pare, learned counsel for respondent No.8.

ORDER

The petitioners have the present petition writ petition in the nature of Public Interest Litigation seeking as many as 21 reliefs. Petitioner No.1 is claiming itself to be a *pro bono publico* group of cyclists and pedestrians, social workers and citizens of the city of Indore, petitioner No.2 is claiming

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itself to be an association of social workers working to impart education to the underprivileged children of the society, petitioner No.3 claiming herself to be a cyclist, social worker and petitioner No.4 is claiming himself to be an artist, cyclist and social worker.

02. Petitioner No.1 is claiming itself to be a group of cyclists and pedestrians but the same is an unregistered association. Petitioner No.1 has not disclosed the names and strengths of its members and any authorization given to Smt. Nirmala Devre for filing this writ petition. Petitioner No.2 is claiming itself to be an NGO but no such registration and antecedents have been filed in this writ petition.

03. The grievance of the petitioners before this Court by way of this PIL is that the respondents are bound to provide a dedicated way to the pedestrians, cyclists and also the physically challenged persons by way of developing, designing and widening the roads in the city of Indore. It is alleged that respondents No.2 and 6 are not working in a planned manner to provide a proper footpath for pedestrians, a dedicated track for cyclists and a properly designated path to physically challenged persons. Various representations and memos have been submitted to the respondents but no action has been taken, hence, the petitioners are before this Court seeking direction or writ as mentioned in para - 11 of the writ petition.

04. The petitioners have placed reliance on the National Urban Transport Policy, 2014 issued by the Ministry of Urban Development, New Delhi which mandates providing of non-motorized transport like walk, cycling, cycle

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rickshaw and NMT in each city of the State . The said Policy supports the construction of safe pedestrians crossings at busy intersections and highway density traffic corridors, formulation and implementation of specific areas plan in a congested urban area upgrade cycle rickshaw.

05. According to the petitioners, Indore Municipal Corporation as well as Indore Development Authority under Atal Mission for Rejuvenation and Urban Transformation (AMRUT) are bound to provide safe and dedicated track to cyclists in the city of Indore under the scheme of urban transportation. The petitioners have filed news clippings published in the daily newspaper to demonstrate that the cyclists meeting with the accident for want of dedicated track. The petitioners have filed photographs of the footpaths which are not being properly maintained or encroached by the local vendors by parking car, scooter, covering the area by signboard etc.

06. The Indore Development Authority has filed a return by submitting that the answering respondent has constructed a 42 km long cycle track at various places in Indore. The details of the cycle track have been notified to respondent No.9 on 31.07.2019 (Annexure-R/8).

07. Learned counsel appearing for the Indore Municipal Corporation submits that the Corporation has constructed the footpath by using paver blocks on both sides of the road. After the construction of BRTS at various places, no area is left to provide dedicated tracks for cyclists. In the major part of the city, roads have been widened from single lanes to two lanes / four lanes / six lanes after dismantling the

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various constructions and acquisition of the land. No further area is available to provide a separate track. It is further submitted by the learned counsel that in some places the track has been provided by the Municipal Corporation as well as by the Indore Development Authority but the same is hardly being used by the cyclist. It is further submitted the footpaths are being encroached by the public at large, therefore, the public itself is coming against the public interest. The Corporation is taking all steps to clear the obstruction / encroachment on public roads at various places. Even recently a vegetable market near Rajkumar Bridge has been removed by facing a lot of agitation and opposition by the vegetable vendors. Indore City is maintaining the status of the cleanest city since the last five consecutive occasions in the entire country, therefore, it cannot be alleged that Corporation is not working in the interest of the public. It is further submitted that the petitioner is seeking implementation of a policy that has no statutory force but as far as possible, the Corporation is providing all the basic amenities to the residents of Indore City.

08. The State Government through S.P. (traffic) has also filed a reply by submitting that as far as possible, the police is removing all types of obstruction and encroachment over the road in order to provide smooth traffic. It is further submitted that now after the introduction of Police Commissioner System large number of police personnel have been deputed on the road to control the traffic. At various places, video cameras have been installed to impose

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a fine on violation of traffic rules. In some places, traffic is being controlled by a drone system also, therefore, the cyclists are safe to use the public road on the places where dedicated tracks are not available.

09. In view of the above, learned counsel for the parties prays for disposal of this writ petition.

10. Providing a dedicated track for cyclists within the city is not a statutory requirement. There is only a recommendation under the National Urban Transport Policy, 2014 which has no statutory force. Under AMRUT Scheme, IDA as well as Municipal Corporation has provided sufficient dedicated track to the cyclists. Footpaths have been constructed on both sides of roads but at some places the general public is using those footpaths for the purpose of parking, putting the signing board or for business purposes, therefore, the public itself is acting detrimental to the public interest. The public needs to be educated not to use the footpath and dedicated track for other purposes. So far as possible, the local bodies and Government authorities are controlling the traffic, removing the encroachment and providing basic amenities.

11. In view of the above, no further direction is required in this case. We are satisfied with the reply submitted by the respondents, no further direction is needed in this writ petition (PIL). The Writ Petition is accordingly disposed of.

(VIVEK RUSIA)
J U D G E

(RAJENDRA KUMAR (VERMA))
J U D G E

Ravi

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