

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT AT
JABALPUR**

WRIT PETITION (PIL) No 7321 of 2024

<u>PETITIONER</u>		Mohit Verma, S/o Shri R.S.Verma, Aged about- 24 years, Occupation- Law Student, R/o House No. 166, Village Paraswara, Jamtara Mod, Chowki Gour, P.S. Barela, Mandla Road, Jabalpur—482021.
		-versus-
<u>RESPONDENTS:</u>	1.	State of M.P. Through its Principal Secretary, Road Transport Department, Vallabh Bhawan Bhopal, M.P.
	2.	The Commissioner, Nagar Nigam Jabalpur, District Jabalpur, M.P.
	3.	The President Nagar Nigam Jabalpur, District Jabalpur, M.P.
	4.	The Collector Jabalpur, District Jabalpur, M.P.
	5.	Superintendent of Police Jabalpur, District Jabalpur, M.P.
	6.	Incharge Police Station, Barela, District Jabalpur, M.P.
	7.	Chowki Prabhari, Chowki Gour, P.S. Barela, District Jabalpur, M.P.
	8.	The Dairy Farm Known as Mama Dariy Through its Proprietor/Director Situated at

		Village Jamtara, Tehsil Ranjhi, Chowki Gour, P.S. Barela, District Jabalpur, M.P.
	9.	The Dairy Farm Known as Ajeem Bhaijaan Dariy, Through its Proprietor/Director Situated at Village Paraswara, Tehsil Ranjhi, Chowki Gour, P.S. Barela, District Jabalpur, M.P.
	10.	The Dairy Farm Known as Channi Sardar Dairy, Through its Proprietor/Director Situated at Village Jamtara, Tehsil Ranjhi, Chowki Gour, P.S. Barela, District Jabalpur, M.P.
	11.	The Dairy Farm Known as Jittu & Sonu Poultry Farm, Through its Proprietor/Director Situated at Village Jamtara, Tehsil Ranjhi, Chowki Gour, P.S. Barela, District Jabalpur, M.P.
	12.	The Dairy Farm Known as Sharma Dairy, Through its Proprietor/Director Situated at Village Jamtara, Tehsil Ranjhi, Chowki Gour, P.S. Barela, District Jabalpur, M.P.
	13.	The Dairy Farm Known as Anna Dairy, Through its Proprietor/Director Situated at Village Jamtara, Tehsil Ranjhi, Chowki Gour, P.S. Barela, District Jabalpur, M.P.
	14.	The Dairy Farm Known as Ram Kumar Shripal Dairy, Through its Proprietor/Director Situated at Village Jamtara, Tehsil Ranjhi, Chowki Gour, P.S. Barela, District Jabalpur, M.P.
	15.	The Dairy Farm Known as Ajay @ Munna Yadav Dairy, Through its Proprietor/Director Situated at Village Paraswara, Tehsil Ranjhi, Chowki Gour, P.S. Barela, District Jabalpur, M.P.

REGULAR PUBLIC INTEREST LITIGATION

1. Particulars of the cause/order against which the petition is made:

- (i) Order No: Nil
- (ii) Impugned order dated -Nil
- (iii) Order Passed by: Nil

(iv) SUBJECT MATTER IN BRIEF.

That, the petitioner is a Law Student and residing in Ward No. 67 i.e. Rani Awanti Bai, Village Paraswara, Jamtra Mod, Chowki Gour District Jabalpur, M.P. It is respectfully submitted that the area where, petitioner is residing comes under the Nagar Nigam Jabalpur. It is important to mention here that in the petitioner's village locality, there are some of the Dairy Farms & Poultry farm situated without any valid registration as well as without following guidelines, due to which, the residential area of the locality and village road is being converted into its worst due to coming of heavy loaded Trucks and Vehicles. The petitioner many times orally scolded as well as tried to prevent these heavy vehicles to enter into the village because the road of the petitioner's village is only 8-10 feet, therefore these heavy and loaded vehicles could not run in these common small village roads, but they denied and threatened the petitioner many times on the way. The petitioner made complaint to the Commissioner Nagar Nigam, Collector, Superintendant of Police and the concerned police authority in written form on 27/02/2023 enclosing all the photographs of the illegal vehicles coming in the village road and requested to prevent these illegal loaded Trucks which goes daily in the dairy and poultry farms.

That, there is also govt. school in the village area and in the morning time, small children go to school by feet or bicycle and due to these heavy vehicles entering into the road, always there is a threat to these small kids also.

It is important to mention here that the concerned Police Station after some time took statement of the petitioner and found the middle way by in the matter that these vehicles would only come in the early morning i.e. before 7 P.M. so that, the village road could easily be used for villagers and road accident could also not take place. There was everything going smoothly and these vehicles were only coming early in the morning when road is vacant and not much busy but after spending 3-4 months peacefully, these vehicles in more numbers started coming in the village road any time when they wish. There was one accident also happened due to these vehicles, therefore, petitioner has to complaint again to the concerned authorities giving reference of the previous complaint but till date no any appropriate action has been taken and all the time, possibility of accident and traffic due to standing of these vehicle on road are being faced by the petitioner as well as the villagers residing there.

It is respectfully submitted that route from house of petitioner to main road is almost only 2 KM which could easily be completed in 5-10 minutes but now minimum half hour is wasted due to entrance of these heavy loaded vehicles as there is only about 8 feet width of road and the width of these vehicle is also almost 8 feet, therefore, any other small vehicle i.e. car or two wheeler of the villagers as well as the petitioner are not in position to run in their own village road and these persons are very much rich and powerful therefore, the govt. authorities are also not able to prevent their vehicles and illegal dairy and poultry farms situated in the residential area. Hence, this Public Interest Litigation petition before this Hon'ble Court is being filed on the following facts and grounds.

2. ANTICIPENTS OF THE PETITIONER:

That, the petitioner is a student of B.A. L.L.B and the petitioner has never been convicted in any criminal case or his integrity was never been questioned / doubted by any of the authority. More so, petitioner is feeling that the rich people are degrading the shape of the village and petitioner as well as common people are being deprived to drive their vehicles and the road of 8-10 feet is only being used by the illegal heavy loaded Trucks and vehicles of

these dairy & poultry farms which is also similar to the width of the road.

3. Facts in brief, constituting the cause:

- 3.1 That, the petitioner is a citizen of India having all the fundamental rights enshrined in Part III of the Constitution of India.
- 3.2 That, the respondent no. 1 is State within the meaning of Article 12 of the Constitution of India and respondent no. 2 to 7 are instrumentalities to discharge their public duties and respondent no. 8 to 15 are the dairy farms/violators, therefore they are amenable to Public Interest Litigation.
- 3.3 That, it is respectfully submitted that the petitioner is a Law Student and residing in Ward No. 67 i.e. Rani Awanti Bai, Village Paraswara, Jamtra Mod, Chowki Gour District Jabalpur, M.P. and the area where, petitioner is residing comes under the Nagar Nigam. Copy of Adhar Card of the petitioner is filed herewith for kind perusal as ANNEXURE-P/1.
- 3.4 That, in the petitioner's village locality, there are some of the Dairy Farms & Poultry farm situated without any valid registration as well as without following guidelines, due to which, the residential area of the locality and village road is being converted into its worst due to coming of heavy loaded Trucks and Vehicles which goes in these farms.
- 3.5 That, the petitioner many times orally scolded as well as tried to prevent these heavy vehicles to enter into the village because the road of the petitioner's village is only 8 feet, therefore these heavy and loaded vehicles could not run in these common small village roads, but they denied and threatened the petitioner many times on the way. The petitioner made complaint to the Commissioner Nagar Nigam, Collector, Superintendant of Police and the concerned police authority in written form on 27/02/2023 enclosing all the photographs of the illegal vehicles coming in the village road and requested to prevent these illegal loaded Trucks which goes daily in the dairy and poultry farms.

Copy of complaint dated 27/02/2023 is filed herewith as ANNEXURE-P/2.

- 3.6 That, the concerned Police Station after some time took statement of the petitioner and found the middle way by in the matter that these vehicles would only come in the early morning i.e. before 7 P.M. so that, the village road could easily be used for villagers and road accident could also not take place. There was everything going smoothly and these vehicles were only coming early in the morning when road is vacant and not much busy but after spending 3-4 months peacefully, these vehicles in more numbers started coming in the village road any time when they wish.
- 3.7 That, is very important to mention here that one accident also happened due to these vehicles, therefore, petitioner has to complaint again on 10/01/2024 to the concerned authorities giving reference of the previous complaint but till date no any appropriate action has been taken and all the time, possibility of accident and traffic due to standing of these vehicle on road are being faced by the petitioner as well as the villagers residing there. Copy of complaint/representation dated 10-01-2024 is filed herewith as ANNEXURE-P/3.
- 3.8 That, route from house of petitioner to main road is almost only 2 KM which could easily be completed in 5-10 minutes but now minimum half hour is wasted due to entrance of these heavy loaded vehicles as there is only about 8 feet width of road and the width of these vehicle is also almost 8 feet, therefore, any other small vehicle i.e. car or two wheeler of the villagers as well as the petitioner are not in position to run in their own village road and these persons are very much rich and powerful therefore, the govt. authorities are also not able to prevent their vehicles and illegal dairy and poultry farms situated in the residential area. Copy of Photographs of the heavy loaded illegal vehicles/Trucks/Dumpher entering into the small village road and photographs of village road which reveals that road is too small for these vehicles to run are filed herewith as ANNEXURE-P/4 & P/5 respectively.
- 3.9 That, the petitioner most respectfully submits that he has also applied for RTI in which he requested to supply the rules & documents and details of the dairy farms situated in the village

Paraswara, Tehsil Ranjhi, District Jabalpur and the petitioner has been supplied the reply in respect of valid registered farms list that there is no dairy farms legally registered under the Nagar Nigam Jabalpur. Copy of report/reply under the RTI is filed herewith as ANNEXURE-P/6.

- 3.10 That, the petitioner most respectfully submits that this public interest litigation is bona fide and prevention of these vehicles in the small village premises or through road is very much necessary for the securing the life of the villagers and also for prevention of traffic as well as road accident in the village area. Hence, this petition on the following grounds.

4. Source of Information :

That, the petitioner is a local resident of Ward No. 67 i.e. Rani Awanti Bai, Village Paraswara, P.S. Barela, Tehsil Ranjhi, District Jabalpur, M.P. and as such he is having personal knowledge about the entrance of the heavy loaded vehicles and daily petitioner has to face traffic condition when he goes through the road.

5. Nature and extent of injury caused/apprehended:

The petitioner most respectfully submits that he is reasonable apprehending that entrance of these heavy loaded vehicles which goes in the dairy farms & poultry farms is the dangerous game being played by the respondents against the life of common village people.

6. Issue raised was neither dealt with nor decided:

It is submitted that petitioner is raising first time the instant issue with regard to entrance of these heavy loaded vehicles which goes in the dairy farms & poultry farms, before this, he has never filed any Public Interest Litigation with regard to the same issue neither any similar nature of issue has been decided by any Court of Law.

7. Any representation etc. made:

That, the petitioner respectfully submits that he has made many representations and complaints before the public authorities mentioned in Para 3.5 & 3.7 of this petition, it is most respectfully submitted that the petitioner is making complaints since 2022 lastly he made a complain to the Commissioner & President of Nagar Nigam Jabalpur and the Collector along with police authorities on 10-01-2024 but no reply or action has been taken against the violators.

8. GROUNDS URGED

- 8.1. Because, despite of various intimation and representations/complaints, no any action or measures for preventing the heavy loaded vehicles in the village road which goes or belongs to the dairy farms of the respondents have been taken by the public authorities.
- 8.2. Because, due to entrance of these vehicles, always possibility of accident is present in the mind of the petitioner as well as the common people residing in the village.
- 8.3. Because, the police authorities as well as the Nagar Nigam officials are duty bound to check the illegal activity being carried out in their areas and despite of making complaint by the petitioner, no any action or prevention has been made and daily entrance of these vehicles have made the road to its worst and there is lot of raw material as well as bhoosa laying on the village road always.
- 8.4 Because, the petitioner is not in position to drive in his area with safe mind because these vehicles do not give any side to the small vehicle and many of the vehicles are also not numbered or registered.
- 8.5 Because, the respondents are statutorily duty bound to ensure that no illegal activity as well as no any dairy farm is situated in the residential areas of village without having proper permission with following due procedure and guidelines.
- 8.6 Because, the case at hand, the petitioner has continuously made complaints to the authorities regarding the illegal entrance of the vehicles in the dairy farms but respondent are not taking any action on the complaint of the petitioner nor giving any reply and the heavy loaded vehicles are daily coming to the dairy farms without any fear, thereby, fear of accident, traffic and damage to village road is increasing day by day.

- 8.7 Because, the respondents have totally failed to prevent these heavy loaded vehicles from entering into the village and also failed to at-least make any kind of enquiry in the matter of the petitioner so that any fear of rules and law could be present in the minds of the directors of the dairy farms and in place of big trucks and vehicles they could use small tractors or vehicle in running their work.
- 8.8 Because, the distance between the police chowki and the Jamtrara mod from where these heavy vehicles take turn to enter into the village road is hardly more than 20 meter i.e. Chowki is just situated beside the turn of the village, then also there is no fear to these persons, therefore, at-least one police official could be fixed responsibility to check that no heavy vehicles are entering in the village road or dairy farm, being present in that turn or mod.
- 8.9 Because, under the RTI, it has been cleared now that no dairy farms are legally registered which are situated and mentioned in the petition above, therefore, they are liable to penal action rather than hooliganism by using heavy vehicles in the small road.

9. Details of remedy exhausted:

That, the petitioner declares that there is no other alternative remedy except to file this Public Interest Litigation.

10. Delay, if any, in filing the petition and explanation therefor:

There is no delay in filing of this Public Interest Litigation.

11. Relief(s) prayed for:

- (i) Looking to the facts and circumstances of the case, this Hon'ble Court may kindly be pleased to direct the public authorities/respondents to make an enquiry in the matter as to whether the dairy farms & poultry farms have been duly registered and permitted to be run in the village residential area i.e. Ward No. 67- Rani Awanti Bai, Village Jamtara-Paraswara, Tehsil Ranjhi, Chowki Gour P.S.Barela, District Jabalpur, M.P., in the interest of the justice.
- (ii) This Hon'ble Court may further be kindly pleased to direct the respondents not to permit the entrance of these heavy loaded

vehicles which goes in the dairy farms & poultry farms, in the interest of the justice.

- (iii) This Hon'ble Court further may pleased to direct the respondents to penalize the directors of dairy farm if found guilty of any illegal activity i.e. in case of non-registered, not following guidelines and if permission is not available to use such heavy vehicles run in the small village road etc., in the interest of the justice.

12. **Interim Relief:**

Looking to the facts and circumstances of the case, in the meanwhile, this Hon'ble Court may kindly be pleased to direct the directors of these farms not to enter into the village premises further till the final decision of the instant matter, in the interest of the justice.

13. **Caveat:**

No notice for caveat is received.

An affidavit is filed herewith in support of this petition.

DATE : 13-03-24

PLACE: JBP



Mohit Verma

PETITIONER IN PERSON

13

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL SEAT AT
JABALPUR**

WRIT PETITION (PIL) No 7321 of 2024

PETITIONER:-

Mohit Verma

V/s

RESPONDENTS:-

State of M.P. and others

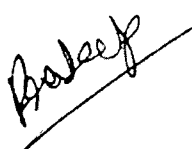
AFFIDAVIT

I, **Mohit Verma**, S/o Shri R.S.Verma, Aged about- 24 years, Occupation- Law Student, R/o House No. 166, Village Paraswara, Jamtara Mod, Chowki Gour, P.S. Barela, Mandla Road, Jabalpur—482021 do hereby solemnly affirm on oath as under:-

1. That, I am the petitioner in the instant Public Interest Litigation Petition and I am fully conversant with the facts of the case.
2. That, the instant Public Interest Litigation Petition has been drafted by me after and the contents made therein from paras one to end are true to my personal knowledge and belief and have been read over by me and I have understood the same.


DEPONENT

VERIFICATION

 I, **Mohit Verma** the above named deponent do hereby verify that the contents of the affidavit from paras 1 and 2 are true to my personal knowledge and belief. Verified and signed on 16th day of March 2024 at Jabalpur.


DEPONENT