RAJASTHAN HIGH COURT
सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR

D.B. Civil Writ Petition No. 3310/2026
CNR: RJHC010150472026 | URN: CW / 6110U / 2026

Rajasthan High Court
सत्यमेव जयते
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1. Shankar Das Swami S/o Shri Moman Das Swami, Aged About 61 Years, Resident Of Near Manji Well, Govt Girls College, Sardarshahar, Theil Sardarshahar District Churu.
2. Durga Ram S/o Shri Surja Ram, Aged About 50 Years, Resident Of Near Manji Well, Govt Girls College, Sardarshahar, Tehsil Sardarshahar, District Churu.
3. Govind Bagariya S/o Shri Shambhudayal Bagariya, Aged About 35 Years, Resident Of Near Bapa Seva Sadan Ward No. 18, Sardarshahar, Tehsil Sardarshahar, District Churu.

----Petitioners

Versus

1. The State Of Rajasthan, Through Secretary, Department Of Revenue, Govt Of Rajasthan, Secretariat, Rajasthan, Jaipur.
2. Principal Secreatary, Department Of Medical And Health Govt Of Rajasthan Secretariat Jaipur.
3. District Collector, Churu.
4. Sub Divisional Officer, Sardarshahar District Churu.
5. Tehsildar (Revenue), Sardarshahar, District Churu.
6. Chirf Medical And Health Officer, Ratangarh District Churu.
7. Principal Medical Officer, Sub District Hospital Sardarshahar, District Churu.
8. Rajkumar Rinva, Ex-Mla And Ex-Minister Ratangarh, Resident Of Near Dayanand School, Bahadur Singh Colony, Sardarshahar, District Churu.

----Respondents

For Petitioner(s)	:	Mr. Ramawtar Singh Choudhary
For Respondent(s)	:	Mr. Sajjan Singh Rathore, AAG asstd. by Ms. Mehali Mehta Mr. Madan Lal Mr. Himanshu Ranjan Singh

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HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE SANDEEP SHAH

Order

26/11/2026

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1. Heard learned counsel for the parties.

2. The present PIL has been filed with the following prayers :-

"*It is, therefore, humbly and respectfully prayed that this writ petition of the petitioner may kindly be allowed:*

(1) by an appropriate writ, order or direction the Impugned communication dated 08.05.2025 (Ann.15), proposal dated 03.07.2025 (Ann.18), communication dated 04.07.2025 (Ann.19) may kindly be declared highly arbitrary, unjust and same may kindly be quashed and set aside.

(ii) The respondent no. 1 to 3 may kindly be restrained from allotting the land of khasra No. 364 for construction of Sub District Hospital and Trauma Centre.

(iii) The respondent authorities may kindly be directed to issue the work order of construction of sub district hospital and trauma centre over the land of khasra no. 775/594 and 776/594 allotted vide order dated 24.07.2023.

(iv) The respondent District Collector, Churu may kindly be directed to start the work of construction of Sub District Hospital and Trauma Centre forthwith.

(v) Any other appropriate writ, order or direction which this Hon'ble Court deems just and proper may kindly be passed in favour of the petitioners.

(vi) Writ petition filed by the petitioners may kindly be allowed with costs."

3. The learned counsel for the petitioners vehemently submits before this Court that despite the land having been allotted for the Sub-District Hospital and Trauma Centre in Khasra No.775/594 and 776/594, the construction of the Sub-District Hospital and Trauma Centre has been done in the land of Khasra No.364. He further submits that the land of Khasra No.364 is absolutely unsuitable for construction of the hospital as the same is

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surrounded by the RIICO Industrial Area which is a polluted area and it will not be in the fitness of things to undertake the construction of the hospital in an area which is infested with industries creating pollution. Learned counsel further submits that for political reasons, the construction of the hospital is being shifted from Khasra No.775/594 and 776/594 to Khasra No.364. He, therefore, submits that the writ petition may be allowed and the respondents may be directed to undertake the construction of Sub-District Hospital and Trauma Centre over the land of Khasra No.775/594 and 776/594 as allotted by the order dated 24.07.2023.

4. *Per contra*, learned counsel for the State while opposing the submissions of the learned counsel for the petitioners submits that after taking the stock of the situation, the respondent authorities came to conclusion that the land of Khasra No.364 will be more suitable for construction of the Sub-District Hospital and Trauma Centre and learned counsel submits that since the land of Khasra No.364 is situated on National Highway, it will have better access for the patients and the visitors. He further submits that the land of Khasra No.775/594 and 776/594 was on a 30 feet road, therefore, a conscious decision was taken to shift the place of construction of the hospital to Khasra No.364. The respondents assures that all the parameters with respect to the pollution in the area will be addressed by the competent authorities and requisite steps will be taken to prevent the hospital from being polluted by industries which are in vicinity from the place where the construction of the hospital is being undertaken. He, therefore, prays that the writ petition may be dismissed.

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RAJASTHAN HIGH COURT

5. We have considered the submissions made before us and we note that the conscious decision of the State Government to construct the Sub-District Hospital and Trauma Centre in Khasra No.364 is based on in-depth study of the entire material and since, the respondent authorities have taken into consideration all the factors for undertaking the project of construction of the hospital, we are of the view that the expert bodies have utilized their expertise in selection of the place. Since this Court is not expert to undertake any kind of exercise to determine which is more suitable for construction of the hospital in the larger public interest.

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6. We note that the experts of the State Government have taken into consideration all the parameters for construction of the Sub-District Hospital and Trauma Centre for the larger public interest, therefore, we are of the view that the decision of the State Government to shift the place for construction of the hospital to Khasra No.364 appears to be just, proper and correct. In this view of the matter, we are not inclined to interfere in the decision of the State Government. The writ petition, thus, fails being devoid of merit and is hereby dismissed.

7. Pending applications, if any, also stand dismissed.

(SANDEEP SHAH),J **(VINIT KUMAR MATHUR),J**

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D-A/7
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