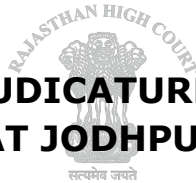




**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**



D.B. Civil Writ Petition No. 22746/2025
CNR: RJHC011077682025 | URN: CW / 40721U / 2025

1. Pradushan Nivaran and Paryavaran Sanrakshan Samiti, through its Chairman Tulasa Ram S/o Modaram, Aged 56 Years, R/o Gandhipura, Balotra.
2. Omprakash S/o Purushottamadas, Aged About 43 Years, R/o 271 AM Chauhata, Asotara, Barmer.
3. Chandraprakash S/o Babu Lal, Aged About 43 Years, R/o Hanuwant Colony, Ward No.30, Balotra.

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Public Works Department, Jaipur, Rajasthan.
2. District Collector, Balotra.
3. Commissioner, Nagar Parishad, Balotra.
4. Tehsildar, Pachpadra, Balotra.

-----Respondents

For Petitioner(s)	:	Mr. Devendra Singh Rathore Mr. Sumer Lal.
For Respondent(s)	:	Mr. Rajesh Panwar, Sr. Advocate and AAG assisted by Mr. Ayush Gehlot Mr. Yuvraj Singh Rathore for Mr. Sajjan Singh Rathore, AAG.

**HON'BLE MR. JUSTICE VINIT KUMAR MATHUR
HON'BLE MR. JUSTICE CHANDRA SHEKHAR SHARMA**

Order

26/10/2026

1. Heard learned counsel for the parties.
2. The present writ petition has been filed in the public interest with the following reliefs: -

"I. The Respondents may be directed constitute high level committee of experts for demarcation for location where the construction of road is being done and nearby Khasras;



II. Till the committee's report is ready no construction activity may be done;

III. Appropriate proceedings against the responsible persons for such construction of road in river bed;"

3. Learned counsel for the petitioners submits that the City of Balotra is situated on the Bank of River Luni. He further submits that in order to address the traffic issue in the City of Balotra, the respondents constructed a public road from *Chhitariyon Ka Morcha* to Megha Highway and the same has been constructed on a large part of river bed of River Luni. Learned counsel also submits that the fact that the road has been constructed on the river bed has also been reflected in the Commissioner's report filed before this Court.

4. Learned counsel for the petitioners further submits that by virtue of constructing the public road in the river bed, the free flow of water in the River Luni will be hampered and, therefore, it is prayed that the road constructed on the river bed may be removed to ensure a free flow of water in River Luni.

5. Learned Additional Advocate General while vehemently opposing the submissions made by learned counsel for the petitioners submits that in order to meet the traffic congestion in the City of Balotra, the construction of the road has been done. He further submits that the road has been constructed mostly on the *khatedari* land or the land belonging to the Municipal Council and only to mitigate the hardships of traffic, some part of the road has been constructed on the river bed of River Luni. Learned AAG very fairly submits that the portion of the road constructed over the river bed shall be elevated on pillars or provided with culverts to



ensure that the natural flow of the river Luni remains unobstructed.

6. Learned AAG further submits that there is some problem on road passing through the area of 'K and L' shown in the map (Page No.150) as on account of the sharp turn, it has become accidental prone area, therefore, the necessary rectification will also be done on the site in question. He, therefore, prays that some time may be granted to the State authorities to do the needful in the matter.

7. The submissions made by the learned AAG have been graciously accepted by learned counsel for the petitioners.

8. In view of the submissions made before this Court, the present writ petition is disposed of with a direction to the respondents to undertake the necessary construction work for elevating the road on pillars or providing suitable culverts in the road passing through the river bed of the River Luni so as to ensure the unobstructed flow of the river. The respondents shall also undertake the necessary rectification of the road passing through areas 'K and L' to prevent accidents in the area in question.

9. The needful shall be done by the State authorities within a period of six months and a compliance report to that respect be submitted before the Registry of this Court.

10. All pending misc. applications, if any, also stand disposed of accordingly.

(CHANDRA SHEKHAR SHARMA),J **(VINIT KUMAR MATHUR),J**

Crt_2 (2039)
D-A/1
Shahenshah/Sunils/-