

\$~13

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 4242/2017**% **Date of Decision: 11th December, 2017**

ABDUL RASHEED QUERESHI Petitioner
Through: Mr. Abdul Rasheed
Quereshi (petitioner-in-
person)
versus

UNION OF INDIA & ORS. Respondent
Through: Mr. Dev P. Bhardwaj,
CGSC for R-1 & R-6.
Mr. Satyakam, ASC for R-2,
7 & 8.
Ms. Shipra Shukla, Adv. for
R-5.
SI Yashbir Singh, Khajoori
Khas, Traffic Circle with SI
Ram Tirath, Pairvi
Officer/Traffic.

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

GITA MITTAL, ACTING CHIEF JUSTICE

1. This writ petition makes a grievance that there is no connectivity between Chauhan Patti village (near Sonia Vihar) to Burari. In this regard, it has been pointed out that there is a single lane barrage over the Yamuna river, being used as a bridge connecting Kashmiri Gate ISBT to Shastri Park for crossing the road by over 10 lakhs commuters, which is inadequate for the

traffic it takes.

2. In view of the extreme inconvenience faced by the commuters, the writ petition seeks the following prayers:

"1. Issue/pass directions more specifically to respondents 1 and 2 to construct one or more bridges upstream of Yamuna beyond/after the Wazirabad barrage (bridge).

2. Direct respondents to construct a six lane bridge from Chauhan Patti Village, near Sonia Vihar, to Burari.

3. Direct respondents to increase the width of existing Wazirabad Barrage to six lanes.'

4. Direct respondents to Implement a 24 hour no entry for commercial vehicles over the Wazirabad Barrage.

5. Direct respondents to provide of a temporary pontoon Bridge over Yamuna River for light traffic vehicle to supplement the currently used Wazirabad Bridge."

3. In response to the notice to show cause, a status report dated 25th August, 2017 has been filed by the Traffic Inspector, Khajuri Khas Circle pointing out the extreme difficulties as under:

"It is submitted that Wazirabad Bridge is the only two lane barrage for the commuters residing nearby the area and the Trans Yamuna Area to go to New Delhi. After passage of time, traffic congestion increased due to the dense population in the North East Area. No alternate bridge has been constructed to ease out the congestion.

As per PWD Engr. the width of Wazirabad Bridge is

9

11.95 Mtrs (including 3 Mtrs footpath for pedestrian on the downstream and 1.60 Mtrs footpath for the pedestrian on the upstream). Only 7.30 Mtrs. is used for the vehicular moment (sic. movement). The bridge is approx. Half km long. Approx. 1 Lacs vehicles of all kind such as buses, HTVs, LGVs, Car, two wheelers, TSRs, slow moving traffic passes through this Bridge during the day (8 am to 10 am & 8 pm to 10 pm). Apart from this 1 thousand pedestrians also use this bridge to reach their destinations.

It worthwhile mentioned here that Wazirabad Bridge is two lanes and the road connected to the Wazirabad Bridge from Khajuri to Wazirabad are four lanes in order to regulate the smooth flow of traffic at Wazirabad and Ring Road to Wazirabad are regulated manually. Since the volume of traffic from Khajuri to Wazirabad is very high in the morning and the volume of traffic from Ring Road to Wazirabad is very High in the evening, hence one way traffic system was adopted from 8 AM to 10 AM from the Khajuri Chowk to Wazirabad and 8 PM to 10 PM for the traffic from Ring Road to Wazirabad. Such decision has been taken by the traffic Police in the public Interest and more particularly in the interest of the commuters who reside in the nearby area. It is important to mention through such regulation/restriction that traffic passes through such narrow bridge successfully.

It is further submitted that, 01 Zonal Officer and 04 Constables are deployed to Wazirabad Bridge in Khajuri side in each shifts from 7 AM to 3 PM and from 3 PM to 11 PM to regulate the traffic smoothly and sufficient staffs are also deployed in Wazirabad side too. It is pertinent to mention here that a request was sent to PWD on 06.12.2016 to construct the pontoon Bridge near the Wazirabad Bridge but the request was turned down because the site where earlier pontoon Bridge was installed is now in use for construction of Signature Bridge, hence, for last 3 years no pontoon bridge has

10

been erected/installed there.

It is also worth to mention that Signature Bridge is under construction near to the existing, Wazirabad Bridge since 2010. It is not yet finished even after the lapse of the target of completion."

(Emphasis supplied)

4. The respondent No.8-Delhi Police (Traffic) has also pointed out that earlier pontoon bridges were installed for crossing the Yamuna river for periods other than monsoon. However, for the last three year, there is no provision for any such bridges.

5. The respondent No.4-Delhi Development Authority had made the following disclosure in its counter affidavit:

"6. As regards the Roads, Bridges etc., the PWD, GNCTD is the implementing agency and the road owning agency and the planning, designing, construction and maintenance of the same is the responsibility of the said Department. The management of the traffic is the domain of the Police Department. As already submitted, both the above department have been impleaded as the parties in the writ petition vide the order passed by this Hon'ble Court.

In respect of Paras 7(I) and (II), it is submitted that the same are matter of record.

In respect of para 7 (III) and (IV), the matter pertains to PWD, GNCTD. The answering respondent further submits that the Unified Traffic and Transportation Infrastructure (Planning & Engineering) Centre (UTTIPEC) was set up by Delhi Development Authority in exercise of powers conferred by the act notified in the Gazette of India Extraordinary vide S.O. No.1903 (E)

11

dated 31.07.2008, with the purpose of studying and coordinating the norms and standards for planning and engineering practices in Traffic and Transportation. On 27.08.2013, PWD vide its letter no. 23(Misc.)/F-12/PWD/285 had requested for consideration of Terms of Reference (TOR) for improvement plan of the corridors – Pusta No.3 to Chandgi Ram Akhara, Sonia Vihar to Jagatpur and Sabhapur to Sant nagar Burari, near GT Road. In response, the UTTIPEC has forwarded the terms of reference vide its letter dated 29.08.2013 to the Project Manager, Flyover Project Circle F-12, PWD, GNCTD. The necessary actions/decision in furtherance of the same has to be taken by the PWD, GNCTD. A true copy of the letter dated 29.08.2013 is annexed hereto and marked as Annexure R-1.”

6. The Delhi Development Authority has enclosed a document dated 29th August, 2013 on the subject “*Terms of Reference (TOR) for Integrated Transit Corridor Development and Street Network/Connectivity Plan for the corridor/influence zone alongwith detailed design of all intersections and mid-sections based on traffic and feasibility studies for the corridor/network*”. Amongst three corridors, Sonia Vihar –Jagatpur corridor has been listed in this communication. This communication stands addressed to the Project Manager, Flyover Project Circle F-12, PWD, GNCTD, Ramesh Park, New Shakarpur Police Station, Delhi – 110092.

7. It would appear that despite the gravity of the situation and the extreme difficulties faced by the citizens of this area of Delhi, Public Works Department, Govt. of NCT of Delhi has not moved a

single step even towards undertaking the planning for providing any facility to mitigate the difficulties of the commuters.

8. It is not open for this Court to undertake or prescribe measures for construction of bridges, roads, etc. This is purely the task of the concerned authorities.

9. In view of the above, we dispose of this writ petition with a direction to the Govt. of NCT of Delhi through its Chief Secretary to ensure that an examination is undertaken with regard to the problems flagged by the petitioner to ensure that steps are taken towards the difficulties of the commuters who seek to cross the Yamuna river at the areas mentioned in the writ petition.

10. The decision which is taken by the GNCTD shall be communicated to the petitioner within four months from today and action thereon taken thereafter.

11. In case the petitioner is aggrieved by any act or omission of the respondents, liberty is granted to file an appropriate petition in this regard in accordance with law.

Dasti.


ACTING CHIEF JUSTICE


C. HARI SHANKAR, J

DECEMBER 11, 2017/pmc