

Court No. - 40

Case :- WRIT - C No. - 31870 of 2023

Petitioner :- Mohit Kumar Gupta And 5 Others

Respondent :- Union Of India And 2 Others

Counsel for Petitioner :- Shiv Sagar Singh

Counsel for Respondent :- A.S.G.I., Dharmendra Srivastava, Vivek Kumar Singh

Hon'ble Mahesh Chandra Tripathi, J.

Hon'ble Prashant Kumar, J.

1. Heard Shri Shiv Sagar Singh, learned counsel for the petitioners; Shri Dharmendra Srivastava, learned counsel appearing for the National Capital Region Transport Corporation Ltd. (for short "NCRTC") and Shri Vivek Kumar Singh, learned counsel appearing on behalf of Union of India.

2. Present writ petition has been preferred for following reliefs:-

"(i) issue a writ, order or direction in the nature of mandamus commanding the respondent no.2 to remove the difficulties of the petitioners coming in construction of the rapid rail project and further facilitate the compensation in this regard;

(ii) issue a writ, order or direction in the nature of mandamus commanding the respondents to decide the representation/ grievances dated 7.7.2023 and pay reasonable loss to the petitioners."

3. On the matter being taken up on 9.11.2023, we have proceeded to pass the following order:-

"1. Heard Shri Shiv Sagar Singh, learned counsel for the petitioner; Shri Sayujya Singh, Advocate holding brief of Shri V.K. Singh, learned counsel for the Union of India and Shri Dharmendra Srivastava, learned counsel for the National Capital Region Transport Corporation Ltd.- respondent no.2 and 3.

2. The petitioners claim that they are running small shops and business on Delhi-Meerut road. The on-going construction of Rapid Rail Project Ramlila Ground, Delhi Road, Meerut and road widening cause great convenience to the consumers at large to approach the petitioners' shops as there is chaos and hindrance on account of the construction. It is also alleged that the respondents are not taking any sincere efforts for speedy completion of the project. Even though on various occasion the petitioners have apprised the authorities regarding their plight and inconvenience but till date the respondents have not taken any step to redress the grievance of the petitioners. It is submitted that the petitioners have no other forum except under Article 226 of Constitution of India for getting reprieve.

3. In the matter before proceeding further, let the respondent's counsel obtain instruction and while placing the instruction the respondents may also apprise regarding the status of the work and remedial measures, which had been taken by the respondents so that the business on the spot may not be unnecessarily hampered. The instruction must be placed after making an on spot inspection, which is to be ensured by a competent authority and also apprise the status of the on-going work alongwith the recent photographs so that we may proceed further in the matter.

4. Put up as fresh on 29.11.2023."

4. In response to the aforesaid order, Shri Dharmendra Srivastava, learned counsel for NCRTC has placed detailed instructions dated 20.11.2023 sent by Chief Project Manager, NCRTC, Meerut, which is taken on record. On the basis of instructions, he submits that concerned Superintending Engineer/ Civil, NCRTC along with other officials visited the site on 20.11.2023. On the basis of spot inspection, it is pressed before us that approximately 15 mtrs. wide road is available near the shop, which is sufficient for smooth vehicular movement and on account of ongoing construction, there is no inconvenience to the shop owners. In support of his submissions, he has also placed reliance on the latest site pictures, which are placed along with the instructions. He submits that even some inconvenience is caused to the public and specially shop owners but the same would be remedied very soon as the project is to be completed in the month of April, 2024.

5. Considering the facts and circumstances, we are not inclined to proceed further in the matter. Suffice to indicate, the NCRTC officials must ensure that at the site, due to ongoing construction, no inconvenience is caused to the public at large specially the shop owners.

6. The writ petition stands **disposed of** accordingly.

Order Date :- 29.11.2023

Rama Kant