

Court No. - 39

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 2736 of 2023

Petitioner :- Mahendra Pal

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Ajeet Kumar Srivastava

Counsel for Respondent :- C.S.C.,Suresh C. Dwivedi

Hon'ble Saumitra Dayal Singh,J.

Hon'ble Vinod Diwakar,J.

1. On oral prayer, learned counsel for the petitioner is permitted to correct the description of party-respondent nos.2 & 3 during the course of the day.
2. Heard Shri Ajeet Kumar Srivastava, learned counsel for the petitioner and Shri M.C. Chaturvedi, learned Senior Counsel assisted by Shri Suresh Chandra Dwivedi, learned counsel for the respondent nos.2 & 3.
3. Solitary grievance involved is the location of under-pass no.206 for the under construction Ganga Express Way at village Dharpur Kalan, Tehsil Dataganj, District Budaun.
4. Submission is that the present location for the said under-pass no.206 has been marked over land that remains water logged. By way of alternative thereto, it has been suggested that the respondent no.2 would be better advised to construct such under-pass 20 meters away from the proposed site towards north as may allow for easy connectivity to the chak-marg. That need is stated to be necessary to allow for free movement of villagers from one side of the village to the other without impeding the traffic on the express way.
5. Prima-facie, if facts are correct, the request being made by the petitioner, in public interest, may be duly considered by respondent no.2.
6. Accordingly, without entering into the merits, the writ petition is disposed off with a direction, in case petitioner files an application along with a copy of this order before the respondent no.2 within two weeks from today, the said respondent may accord due

consideration to the request being made and this issue be resolved within a period of one month therefrom.

7. However, we make it clear that we have not passed any order to restrain the work, already in progress.

Order Date :- 11.12.2023

Anil K. Sharma

(Vinod Diwakar, J.) (S.D. Singh, J.)