

Court No. - 1

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1099 of 2023

Petitioner :- Prayag Bux Singh Parmar And Others

Respondent :- Union Of India Thru. Secy. Ministry Road Transport And Highways , New Delhi And Others

Counsel for Petitioner :- Suresh Chandra Srivastava, Anshuman Sharma, Athar Ali, Mayank Srivastav, Opendra Singh, Rajesh Kumar Singh, Shantanu Sharma, Vijay Vikram

Counsel for Respondent :- A.S.G.I., Ambrish Rai, C.S.C., Namit Sharma, Sarvesh Kumar Dubey, Shailendra Singh Chauhan

Hon'ble Attau Rahman Masoodi, J.

Hon'ble Om Prakash Shukla, J.

1. Heard learned Counsel for the petitioner, Shri Ambrish Rai, learned Counsel for respondent no.1, Shri Sarvesh Kumar Dubey, learned Counsel for NHAI- respondent no.2, Shri Anil Kumar Singh Visen, learned Standing Counsel for State-respondent and Shri Shailendra Singh Chauhan, learned Counsel for respondent no.5.

2. Three authorities have advanced three different stands in so far as the subject matter of present petition filed in public interest is concerned. The matter relates to construction of drainage on the National Highway, i.e. N.H.-24.

3. According to learned Standing Counsel, the area is vested in the Nagar Nigam, thus, it is the responsibility of Nagar Nigam to take stock of the situation and construct the drainage as prayed for in public interest.

4. Shri Sarvesh Kumar Dubey, learned Counsel for NHAI has also informed that the area in question falls within the territorial limits of the Executive Engineer, P.W.D. National Highway Division, therefore, the P.W.D. Department is the relevant department for carrying out the construction of drainage.

5. Shri Shailendra Singh Chauhan, learned Counsel appearing for Nagar Nigam has, however, submitted that the area in question falls within the territorial limits of P.W.D. and National Highway Division, as such, it is the responsibility of the P.W.D. Department to meet the general demand of public by constructing the drainage. It is further informed that looking to the grievance of public at large, a tender has already been issued by the Nagar Nigam for construction of drainage on an estimated cost of Rs.1,55,55,877/-.

6. In these circumstances, the Nagar Nigam as well as P.W.D. Department are hereby directed to carry out the construction of drainage in question by associating with each other and the 'No Objection Certificate' to be granted, if any, by the P.W.D. Department may also be issued timely so that there is no delay in the matter of construction of drainage in question.

7. We expect that the construction of drainage shall be carried out as early as possible without allowing any public grievance to arise in future. For the delay, if any, in the construction of drainage in question beyond a period of six months, it shall be open to the petitioner to make an application in the present case so that necessary orders may be passed.

8. The issue of garbage management and other incidental issues are also directed to be attended by the departments concerned in accordance with law.

9. With the aforesaid observations/directions, this petition is **disposed of.**

(Om Prakash Shukla, J.) (Attau Rahman Masoodi, J.)

Order Date :- 5.12.2023

Anand Sri./-