

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Public Interest Litigation No. 43 of 2012
[Khairipura Binaki Mangalwari Premnagar Niwasi Action Committee
Vs. Union of India & others]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. A.S. Kilor, Adv., for the petitioner.
 Mr. Nitin Lambat, Adv., for Respondent Nos. 1 and 3.
 Mrs. Dangre, Govt. Pleader, for respondent nos. 2, 5 and 8.
 Mr. Chhabra, Adv., for respondent no.4.
 Mrs. Sangita Jachak, Adv., for respondent no.6.

- - - -

**CORAM : B. R. GAVAI AND
V.M. DESHPANDE, JJ.**

DATE : 23rd June, 2016

In view of various orders passed by this Court, a meeting of various officials of the Municipal Corporation, Nagpur Improvement Trust, Traffic Police Department, Maharashtra State Road Development Corporation, Railway authorities and the experts from the Visvesvaraya National Institute of Technology [VRCE], Nagpur, was held on 7th August, 2015. In the said meeting, various decisions have been taken.

One of the decisions in order to solve the problem permanently is construction of another Railway under Bridge [RuB], which will be parallel to the existing

RuB. In the meeting, it was agreed that the Railway authorities shall construct a new RuB, after which the present level crossing will be closed.

It was further agreed that a new sump and pump arrangement will be created, which would take care of draining storm water from the proposed RuB as well as the existing RuB. It has further been agreed that the Nagpur Improvement Trust will construct a one meter wide footpath with a railing for pedestrians as a short term measure.

We find that the decisions taken in the meeting of the high officials along with the experts in the field answer the concern of the petitioner. In so far as construction of a new RuB is concerned, we had asked Shri Lambat to take instructions as to within how much time, the RuB will be completed. The learned counsel stated that the new RuB will be completed within a period of eighteen months from today and after that the railway level crossing would be closed.

We, therefore, dispose of the petition with following directions:-

- [a]** The RuB, as agreed to be constructed by the Railway Authorities, shall be completed within a period of eighteen months from today.

- [b]** The encroachments, if any, shall be removed by the Nagpur Municipal Corporation within a period of fortnight from today. For that purpose, if any assistance is required from the Police authorities, the Police authorities shall provide such assistance.
- [c]** The Nagpur Municipal Corporation shall regularly maintain the sump and pump arrangement to take care of draining storm water from the existing RuB as well as the new RuB going to be constructed.
- [d]** Needless to state that after the new RuB is made operational, the railway authorities will be at liberty to close the level crossing.

Judge

Judge