

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP (PIL) No.6116 of 2016
Date of decision : 3.12.2016.

Maninder Singh, Punia, Advocate

..... Petitioner

Versus

State of Haryana and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE S.S.SARON
HON'BLE MR. JUSTICE ARUN PALLI**

Present : Mr. Maninder Singh, Punia, Advocate in person.
Mr. S.S. Pannu, DAG, Haryana.
Mr. Kamaljeet Dahiya, Advocate for respondent No.3.

S.S.Saron, J.

The petition has been filed in the nature of public interest for directing the respondents to take appropriate action on the representation of the petitioner for closing the illegal median cut on 4-Laning of Rohtak-Panipat, Section N.H.-71-A, in village Israna, opposite Jain filling station.

In the reply filed by Sh.Virender Sambyal, working as Project Director, Project Implementation Unit (PIU), Rohtak, National Highways Authority of India ('NHAI' - for short) (respondent No.3), it is *inter alia* stated that the petitioner has no direct or substantive grievance against the NHAI as he himself has stated that the NHAI had written various letter to the Deputy Commissioner, Panipat (respondent No.4) and requested him to close the median cut or use from other feasible

alternative to avoid the unfortunate incidences of the accidents. It is submitted that the NHAI has also stated in their letter addressed to the Deputy Commissioner, Panipat (respondent No.4) that the median cut in question is illegal and wrong, besides, it had directed its concessionaire to close the median cut. Moreover, administrative help and assistance to close the median cut had also been asked for by writing letters to Deputy Commissioner, Panipat (respondent No.4), letters dated 15.7.2014, 25.6.2015 and 27.7.2015 (Annexure P4, colly.) have been placed on record. It is stated that the NHAI are ready and willing to close the median cut as mentioned in the petition, however, the same could be closed only if requisite assistance and aid to close the median is provided to the concessionaire.

A written statement has also been filed by Sh. Pardeep Ranjan, Superintending Engineer, Haryana Public Works Department (Building and Roads) on behalf of respondent No.2. It is submitted that the representation of the petitioner for closing the median cut in village Israna is to be decided by NHAI (respondent No.3) and the Deputy Commissioner, Panipat (respondent No.4), if required. Besides, no right of the petitioner has been infringed by respondent No.2.

In view of the reply of NHAI (respondent No.3) it is evident that the median cut in question is improper and the same is to be closed, however, the same is not possible in view of the fact that necessary assistance is not being provided by the Deputy Commissioner, Panipat (respondent No.4).

Therefore, it would be just and expedient to dispose of the writ petition with the direction to the State of Haryana (respondent No.1), State of Haryana through Financial Commissioner-cum-Principal Secretary, Public Works Department (Building and Road), Haryana (respondent No.2) and the Deputy Commissioner, Panipat (respondent No.4) to provide necessary assistance to the NHAI (respondent No.3) and the concessionaire so that the median cut on 4-laning of Rohtak-Panipat Section NH-71A in village Israna, opposite Jain filling station is closed.

Accordingly, the writ petition is disposed of with the direction that the median cut on 4-laning of Rohtak-Panipat Section NH-71A in village Israna, opposite Jain filling station is closed by the National Highways Authority of India (respondent No.3) and the concessionaire for which the State of Haryana through the Chief Secretary (respondent No.1), State of Haryana through Financial Commissioner-cum-Principal Secretary, Public Works Department (Building and Road), Haryana (respondent No.2) and the Deputy Commissioner, Panipat (respondent No.4), shall provide all the necessary help and assistance to close the said median cut. The median cut shall be closed within two months from the receipt of the copy of the order.

(S.S. SARON)
JUDGE

3.12.2016

Manoj Bhutani

Note:

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No

(ARUN PALLI)
JUDGE