

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

PUBLIC INTEREST LITIGATION NO. 53 OF 2015

(Lalsing s/o Udaypalsingh Thakur vs. National Highway Authority of India thr. its Project Officer
& Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.
SEPTEMBER 06, 2017.**

Heard Shri R.M. Pande, learned counsel for the petitioner, Shri A.A. Kathane, learned counsel for respondent No. 1, Shri S.V. Manohar, Senior Advocate with Shri A.A. Naik, learned counsel for respondent No. 2 and Shri Nitin Lalwani, learned counsel for respondent No. 3.

2. This Public Interest Litigation has been filed on 11.06.2015 by an individual on the basis of Inter Office Memo dated 06.12.2013, written by the Survey Engineer, Shri S.S. Bedi, to Team Leader of National Highway No. 6, Mauda. Its reading shows an observation that difference between the finished road level and Original Ground Level should be 1.690 meters. He has also given break up thereafter. His observation is, the said difference was 0.6 meters and, therefore, final road level is fallen by 1.09 meters.

3. The respondents are relying upon clause 4.2.1 to urge that this difference of 1.690 worked out in the letter is

incorrect.

4. A perusal of clause 4.2.1 reveals that finished road level has to be at least 0.6 meters above ground level. Sub-clause (ii) therein states that bottom of sub-grade should be generally one meter above High Flood level/ High Water table. If sub-clauses (i) and (ii) are read together, it shows total thickness above High Flood level/ High Water Table to be 1.6 meters. A perusal of sub-clause (ii) also shows that it may not be a standard requirement in all cases.

5. The petitioner personally has not verified these aspects. He has submitted a representation dated 12.01.2015, which is only on the basis of information gathered by said Survey Engineer.

6. As we find that some disputed questions arise and there is no clear material in this respect on record, an opportunity to the petitioner and verification by Respondent No. 1 in presence of respondent Nos. 2 & 3 can help in resolving the controversy. Roads appear to be in use for last more than four years and its continuous use may also have affected its thickness.

7. We, in this situation, direct the petitioner to contact the office of Respondent No. 1 on 03.10.2017 at 11.00 AM. Respondent No. 1 shall, through his competent officer, in presence of Respondent Nos. 2 & 3, on a suitable

date, carry out necessary measurements to examine the grievance of the petitioner. This exercise shall be completed within next four months.

8. With these directions, we dispose of the present Public Interest Litigation. However, there shall be no order as to costs.

JUDGE

JUDGE

*GS.