

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**C.O.C.P. No.789 of 2012 (O&M)
Date of Decision: 27.03.2017**

National Consumers Awareness Group (Regd.), Sri Muktsar Sahib

..... Petitioner

Versus

Raminder Singh, IAS, Principal Secretary to Government,
Local Government Department, Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Pritam Saini, Advocate for the petitioner.

Mr. Anant Kataria, Deputy Advocate General, Punjab
for respondent Nos.1 and 2.

Mr. Baltej Singh Sidhu, Advocate for respondent No.3.

JASWANT SINGH, J. (Oral)

The petitioner is a registered Society for protecting the public interest in almost sphere of public life. They had filed CWP No.6211 of 2011 in public interest, seeking a mandamus for an expeditious construction of a Railway Over Bridge (ROB) on Kotkapura-Fazilka Railway Line, passing through the Sri Muktsar Sahib-Jalalabad road within the city of Sri Muktsar Sahib, which was being delayed due to non-removal of the encroachments on both sides of the said road, resulting into delay in construction of the ROB. The said writ petition was disposed of vide order dated 07.04.2011 (**Annexure P-1**), directing the authorities to pass necessary orders upon the claim within two months from the receipt of the copy of the order.

Consequently, an order dated 05.08.2011 (**Annexure P-4**) was passed by the Government, directing the Deputy Commissioner, Sri Muktsar Sahib to convene a meeting within 15 days of the Departments concerned i.e. Municipal Council, Muktsar Sahib; Water Supply and Sanitation Department, Punjab Water Supply and Sewerage Board, Railway Department and Power Corporation etc. for removal of encroachments and shifting of the service lines, poles etc., coming in the alignment of the proposed ROB in a time bound manner. Since no effective steps were taken to implement the decision as per **P-4**, the present contempt petition was filed.

Upon notice, separate replies have been filed by the respondents. It was emerging that the initiation of steps for construction of the ROB was being delayed due to removal of the encroachments by 13 shops (some owned by private parties and some by the Municipal Council, Sri Muktsar Sahib) within the alignment line.

During the course of hearing today, learned Counsel for the Municipal Council, Sri Muktsar Sahib has filed short additional affidavit dated 27.03.2017 of Sh. Ravi Kumar, Executive Officer, Municipal Council, Sri Muktsar Sahib, which is taken on record. Copy of the same has been furnished to learned opposite Counsel.

Para (i) of the affidavit reads as under:-

“ As regards the construction of ROB a letter No.12072 dt. 16-03-2017 has been received from the office of Executive Engineer, (Construction Division) B&R, Sri Muktsar Sahib that tender regarding ROB was recalled vide tender notice No.26 dt. 15-12-2016 and the technical bid was opened on 09-01-2017 and one bid V.K.Gupta and Associates, Engineers & Contractors,

Panchkula had been received and after preparing the evaluation of this bid, the same has been sent to the Chief Engineer, (I.P.), PWD, B&R, Chandigarh for the grant of sanction to open the financial bid and on the receipt of sanction, bid of the Agency will be opened and the tender process for the allotment would be started. Thus as submitted above now there is no hindrance of the part of Municipal Council, Sri Muktsar Sahib for the construction of ROB. ”

(emphasis supplied)

In view of the above, it is conceded that as of now, there is no hindrance for undertaking the construction of the said ROB at the earliest.

Learned Counsel for respondent Nos.1 and 2, assisted by SDO Jaspreet Singh, points out that the financial bid of the tender is to be opened very soon, wherein the stipulated time for construction of the ROB is 15 months.

Hence, the concern of the petitioner stands substantially addressed and delay on the part of the respondents sufficiently explained. Therefore, no useful purpose would be served at this stage to continue with the present contempt petition.

Accordingly, the present contempt petition is disposed of as infructuous, however, liberty is granted to the petitioner-Society to file a fresh contempt in case there is any further undue delay on the part of the authorities for construction of ROB at the aforesaid site.

March 27, 2017

Gagan

(JASWANT SINGH)
JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No