

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Gurbax Singh
2017.10.12 10:33

CWP No.17137 of 2015

Date of decision: 26.9.2017

**Vivek Jindal S/o Satinder Jindal r/o H.No.92 A Shastri Nagar,
Ludhiana, Punjab.**

.....Petitioner

Vs.

Union of India and others.

.....Respondent

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Jitender Singh Dadwal, Advocate for the petitioner.
Mr. Puneet Jindal Senior Advocate with Ms. Neha Anand
Mahajan, Advocate for respondent No.1
Ms. Rameeza Hakeem, Additional A.G. Punjab.

Ajay Kumar Mittal,J.

1. The petitioner has filed the instant petition under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing respondent No.2 to take action as per letter dated 10.10.2014, Annexure P.1, vide which work of construction of under bridge has been sanctioned.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner is a resident of District Ludhiana. He has filed the present writ petition in public interest to direct the respondents for construction of under bridge at Shastri Nagar crossing which has already been sanctioned by the

concerned authorities and information in this regard has been obtained by the petitioner under Right to Information Act, 2005. The petitioner had also approached Municipal Corporation, Ludhiana regarding the steps taken for the above said matter. Vide letter dated 30.09.2014, the petitioner was intimated that there was no plan for any construction of under bridge at the site. Various representations had been made by the doctors who are running hospitals in the said area along with Principals of various schools who are facing hardship due to non construction of under bridge at the said point. The petitioner asserts that Shastri Nagar crossing in Ludhiana is hub of residential area as well as of commercial activity in the city. In the year 2009-10, the railway administration had given green signal to construct railway under bridge at the site. Children are passing through the railway crossing and the patients are also facing huge travel time due to non construction of the sanctioned railway under crossing at the site. According to the petitioner, the railway under bridge has been sanctioned for the last more than four years and still no construction has been started. Hence the instant petition by the petitioner.

3. A short reply by way of affidavit of Deputy Commissioner, Ludhiana-respondent No.3 has been filed. It has been stated in Para-5 thereof that after topographic survey, GT investigations and due to prevailing site conditions, the site for railway under bridge is not feasible. Para-5 of the written statement reads as under:-

“ That the RITES Limited in reference to this letter dated 27.10.2008 intimated the Municipal Corporation that after topographic survey and GT investigations and due to the prevailing site conditions (deep Sewer) line, space constraints RUB is not feasible, as such no further progress

is noticed for construction of ROB/RUB at this location.”

4. In the written statement filed on behalf of the respondent No.1, it has been stated in the preliminary submissions that the proposal has not been found feasible even by the requesting authority i.e. the Municipal Corporation, Ludhiana.

5. We have heard learned counsel for the parties.

6. After perusing the averments made in the writ petition and also the stand taken by the respondents in their respective written statements, we do not find any ground to interfere in writ jurisdiction under Articles 226/227 of the Constitution of India. After thorough survey and examining the matter, a decision has been taken by the respondent-authorities that due to the prevailing conditions, the space is not feasible for construction of under bridge. In such circumstances, the prayer made by the petitioner cannot be accepted. Consequently, finding no merit in the petition, the same is hereby dismissed.

(Ajay Kumar Mittal)
Judge

September 26, 2017
‘gs’

(Amit Rawal)
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No