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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Judgement delivered on: 03rd May, 2017

+ **W.P.(C) 6067/2014 & CM Nos.14770/2014, 10270/2015**

VASANT VIHAR WELFARE
ASSOCIATION & ORS.

..... Petitioners

Through : Mr.Rajshekhar Rao & Mr.Sameer
Dawar, Advocates.

versus

LT. GOVERNOR OF DELHI & ORS.

..... Respondents

Through : Mr.Arun Bhardwaj, CGSC for
respondent Nos.3&4/UOI.

Mr.Shlok Chandra, Advocate for
DDA.

Mr.Varun K Chopra, Advocate for
NHAI.

Ms.Megha Srivastava, Advocate for
respondent No.9/DUAC.

Mr.Anurag Kumar and Ms.Sakshi
Popli, Advocates for PWD and Forest
Department.

Inspector Shiv Kumar, TI/Vasant
Vihar Circle and SI Ram Tirth, Pairvi
Officer(Traffic) in person.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE YOGESH KHANNA

S.RAVINDRA BHAT, J. (Oral)

1. This petition was filed originally seeking intervention in the form of direction to quash the Notice Inviting Tender (NIT) dated

01.07.2014 proposing the construction of (1) Flyover on portal Structure Linking Existing Munirka Flyover in the East to the point beyond Army RR Hospital in the West on the Outer Ring Road and (2) Underpass at junction of BJ Marg and Inner Ring Road. SH:- C/o Elevated road. Underpass, Ramps, Skywalk, RCC drain. Footpath, cycle track widening/strengthening of road, rain water harvesting scheme, electrical works and other allied works.

2. The proceedings were treated as a public interest litigation and the Court sought the status report on affidavits of various agencies. The order dated 18.01.2017 dealt with the surviving issue with respect to the proposal for construction of an underpass at Mahipalpur Crossing. Indeed that proposal was forwarded to PWD and the government agencies in Delhi and received by the NHAI and sent to the consultant. The PWD also stated that the approvals of the AAI, NHAI, DIAL and the Ridge Management Board were sought.

3. The Court therefore directed as follows :-

“The learned counsel appearing for the DDA shall file a status report with regard to the steps taken by it for connecting the DDA Mahipalpur by-pass road with NH-8. The same be done within four weeks. The respondents shall also file a status report indicating the steps taken by them with regard to each of the proposals mentioned at 0.70 and 5.2 of the RITES report which are at pages 265 and 364. The same be filed within four weeks.”

4. Further to the said order, DDA has filed status report and the

relevant portions dealing with the proposals i.e. construction of bypass at Mehrauli – Mahipal Pur Road reads as under:-

“12. Proposal P4: Develop alternative routes for Delhi-Gurgaon movement

a. P4.1: Geometric Improvements at junction of Baba Ganganath Marg, Nelson Mandela Road (NMR) and Munirka Marg

b. P4.2: Bypass to Mehrauli Mahipalpur Road (MMR) (PWD proposal)/New Road proposal by DDA at Mahipalpur.

13. Proposal P4.1 is being submitted to competent authority for approval.

14. Proposal P4.2 is handed over to NHAI by PWD. Sh.Ashok Sharma, General Manager (T) and Project Director, NHAI has taken over the same vide his letter no PIU/DH06/12/2016-17/2203 dated 14.02.2017. Copy of the same enclosed as Annexure R-2.”

5. The Delhi Traffic Police has also filed its status report including the volume count of vehicles on DDA Bypass from Mehrauli – Mahipal Pur to DDA Bypass land. This indicate that the volume of traffic on 03.01.2017 is to the extent of over 15000 on one stretch and 21000 on the other side; likewise on 04.01.2017 it was 20814, 12957. Similar statics for other days i.e. 05.01.2017, 06.01.2017, 18.02.2017 to 20.02.2017 are made available.

6. This indicate that on an average between 20-30 thousands vehicles plies on both sides of road. Given these factors, the respondents have to decide the time frame within which proposals have to be executed.

7. The affidavits filed by the various agencies indicate that

UTTIPEC has approved in principle the proposal for construction of under pass and by-pass road. Apparently the by-pass is to the extent of 1½ KM or so.

8. Having regard to the density of the built up structure and the population as well as the congestion of the vehicular traffic leading to the airport, the Delhi Traffic Police and other local authorities would have also to consider the convenience of the local public at the stage of construction of the by-pass if undertaken.

9. Keeping this in mind all these facts, this Court is of the opinion that all concerned authorities viz DDA, NHAI, AAI, PWD, GNCTD should in one or two sittings consider the overall feasibility after taking into account the views of the Airport Authority of India, DIAL and other such stakeholders. The Project Director, Gurgaon, NHAI; Vice-chairman – DDA; concerned head of departments of PWD or Engineer-in-chief; and the Commissioner of Delhi Traffic Police shall hold a joint meeting for this purpose within next four weeks from today which shall be convened by the Vice-Chairman, DDA, who shall record their decisions. This meeting shall also indicate the time frame within which the proposal shall be processed and executed, if approved.

10. The decision shall be communicated by the Government of NCT of Delhi to the petitioner independently. It is also clarified that the concerned agencies who would decide the matter would take into consideration all relevant material substances for achieving the goals

indicated in the paragraphs P3 and P4 of the RITES report.

11. In view of above, the writ petition and pending miscellaneous applications are disposed of.

12. Order *dasti*.

S. RAVINDRA BHAT, J

YOGESH KHANNA, J

MAY 03, 2017

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