

HIGH COURT OF CHHATTISGARH, BILASPUR

WPPIL No. 65 of 2018

1. Surinder Singh Chawla S/o Late Dilip Singh Chawla Aged About 45 Years, R/o D.S. Chawla Garage, Mahasamund District- Mahasamund, Chhattisgarh.

---- Petitioner

Versus

1. Union Of India Through Secretary, Ministry Of Road Transport & Highways, Transport Bhawan, 1, Parliament Street, New Delhi – 110 001.
2. State Of Chhattisgarh Through Secretary, Department Of Public Works Department Mantralaya, Capital Complex, Mahanadi Bhawan, Naya Raipur District- Raipur – 492 002, Chhattisgarh.
3. Collector Mahasamund District- Mahasamund, Chhattisgarh.
4. Engineer In Chief (NH) Public Works Department, NH Campus, Pension Bada, Raipur, Chhattisgarh 492 001

---- Respondent

For Petitioner	Shri Kishore Bhaduri, Advocate
For Respondent/UOI	Shri B. Gopa Kumar, Assistant Solicitor General
For Respondent/State	Shri J.K. Gilda, Advocate General

Hon'ble Shri Justice Ajay Kumar Tripathi, CJ
Hon'ble Shri Justice Prashant Kumar Mishra

Order

Per Ajay Kumar Tripathi, CJ.

31/07/2018

1. Merely because the petitioner claims himself to be a transporter he cannot be presumed to have all the knowledge of technical kind in respect of construction of over bridges or flyovers on highways especially National Highway No.353.

2. The concerned authorities have taken a decision for construction in question to facilitate easy movement of vehicles and traffic on the National Highway. There is certain presumption in relation to the organization being better versed in terms of what is required to be done on the ground than a person merely because he claims himself to be well informed.
3. The PIL (Public Interest Litigation) is, therefore, not required to be entertained because this Court is not an expert who can decide how, where and when road, bridges and flyovers are required to be constructed on the National Highways.
4. In the result, the writ petition (PIL), *sans* merit, is liable to be and is hereby dismissed.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Prashant Kumar Mishra)
Judge

Gowri