

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

CWP No.20436 of 2017 (O&M)

Date of Decision: 22.05.2018

Rajinder Singh Benipal

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM:-HON'BLE MR. JUSTICE AJAY KUMAR MITTAL, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA**

Present:- Mr. Ferry Sofat, Advocate,
for the petitioner.

Mr. Shireesh Gupta, Sr.DAG, Punjab.

Ms. K.K.Kahlon, Advocate,
for respondent No.3.

Mr. B.S.Sidhu, Advocate,
for respondent No.5.

TEJINDER SINGH DHINDSA, J.

Petitioner has filed the present writ petition by way of Public Interest Litigation seeking directions for the respondents to repair the under bridge on Railway crossing No.152A situated close to Mandi Gobindgarh as also to construct a road on the sides of such under bridge after acquiring the adjoining land.

The case of the petitioner is that construction of the under bridge in question commenced in the year 2009 and was completed in 2011. However, maintenance of under bridge is not being undertaken and the same gets water logged during the rainy season. Maintainability of the present writ petition as a PIL is

justified by submitting that the cause sought to be espoused is for the benefit of the general public and the farmers.

We have heard learned counsel and have perused the pleadings on record.

The Maintainability of Public Interest Litigation Rules 2010 were framed and which laid down the guidelines for entertaining a Public Interest petition. Clause 6 thereof reads as follows:-

6. Ordinarily, the PIL may be entertained on any subject of vital public importance, such as:

a) Bonded Labour matters.

b) Neglected Children.

c) Petitions from riot victims.

d) Petitions complaining of harassment or torture of persons belonging Scheduled Castes, Scheduled Tribes and other Backward Classes by the others or by the police.

e) Petitions pertaining to environmental pollution, disturbance of ecological balance, forest and wild life.

f) Petitioners complaining violation of human rights.”

We are of the considered view that the nature of grievance set out in the petition does not fall within the defined Clauses of para 6 where a PIL may ordinarily be entertained.

That apart a Division Bench of this Court in ***Ajaib Singh and another Vs. State of Punjab and others 2013 (4) PLR 367*** had observed that the petitioner invoking the PIL jurisdiction of this

Court has to specifically disclose his credentials and his direct or indirect personal motive or interest involved in the case, if any, by way of an affidavit. The expression “specifically disclose his credentials” implies that the petitioner has to set forth what he does for his living, what public interest he has been espousing and the work done by him in that behalf. The present petition is completely silent on such aspect.

In view of the above, the present petition filed under PIL is held to be not maintainable at the behest of the petitioner and the same is, accordingly, dismissed.

Liberty, however, is granted to the petitioner to resort to any other alternate remedy as may be available strictly in accordance with law.

(AJAY KUMAR MITTAL)
ACTING CHIEF JUSTICE

(TEJINDER SINGH DHINDSA)
JUDGE

22.05.2018

vandana

Whether speaking/reasoned
Whether Reportable

Yes
No