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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11013/2017**
ABHISHEK DUTT

..... Petitioner

Through: Ms. Ashima Mandla and
Ms. Mandakini Singh, Advs.

versus

STATE GOVT. N.C.T. OF DELHI & ORS

..... Respondents

Through: Mr. Bhagvan Swarup Shukla, CGSC
with Mr. Kamaldeep, Adv. for UOI
Mr. Anuj Aggarwal, ASC for
GNCTD

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **29.08.2018**

1. The present appeal has been filed by the petitioner with the following prayers:

“In the facts and circumstances of the case, as mentioned above, it is, therefore, most humbly prayed that this Hon’ble Court may graciously be pleased to:

- A. *Issue writ of Mandamus or any other appropriate writ directing the respondents to construct two foot-over-bridges (FOBs) on Josip Broz Tito Marg and on August Kranti Marg expeditiously in a time bound manner.*
- B. *Issue writ of mandamus or any other appropriate writ directing the respondent No.2 to raise railings on dividers constructed on abovementioned roads.*
- C. *Issue writ of Mandamus or any other appropriate writ, order or direction to the respondent No.1 to issue*

standard guidelines / measures for road safety in the light of the abovementioned.

D. Pass any other appropriate order, guidelines, directions or relief which may deem fit in the facts and circumstances of the case.”

2. From the above, it is clear in substance the petition has been filed seeking a direction for construction of foot-over-bridges (FOBs) at Josip Broz Tito Marg and on August Kranti Marg and for raising the railings of divider constructed on the aforesaid roads.

3. Two short affidavits have been filed by the respondent PWD. With regard to construction of FOB on August Kranti Marg is concerned, the PWD has stated as under:

“That it is most respectfully submitted that proposal for construction of FOB on August Kranti Marg near Ayurvigyan Nagar was forwarded to the said sub committee of FOB/Subways. The Sub Committee upon such reference, inspected the subject site on 07.07.2015 and further on 19.08.2015 to examine the necessity and feasibility of construction of FOB. However, the members of the committee, on both the occasions did not find it feasible to construct a Foot over bridge at this location, primarily due to space constraints. It was therefore suggested that a traffic signal with 20 sec time interval be installed at the subject site to facilitate safe pedestrian crossing. The reports of the Joint Inspection conducted on 07.07.2015 and further on 19.08.2015 as annexed herewith as Annexure R-3 (Colly).”

4. With regard to construction of FOB on Josip Broz Tito Marg is concerned, the PWD has stated as under:

“9. That further, the FOB/Subway Committee in its meeting held on 10.07.2018 under the Chairmanship of Principal Secretary, PWD has approved the construction of FOB on two locations on the Joseph Broz Tito Marg, Chirag Delhi and Sheikh Sarai and one location on being Aurobindo Marg near Mosque/Church. A copy of the minutes of such meeting dated 16.07.2018 are annexed herewith as Annexure R-4.

10. That these newly approved 2 Nos. FOB at Chirag Delhi and Sheikh Sarai are in addition to the 2 Nos. already existing FOB at Madangir and Ambedkar Nagar on Josip Broz Tito Marg.

11. That, it is submitted that the drawing and design of these 2 Nos. FOB at Chirag Delhi and Sheikh Sarai is under progress. The work on the ground may likely to be started in January 2019.”

5. From the above, it is seen that insofar as construction of FOB on the Josip Broz Tito Marg is concerned, the respondent PWD has agreed for construction of FOB on two locations on the Josip Broz Tito Marg, Chirag Delhi and Sheikh Sarai. Insofar as the FOB construction on August Kranti Marg is concerned, it is the case of the PWD that it is not feasible to construct the FOB at this location, primarily due to space constraints. They have also stated that a traffic signal with 20 second time interval be installed at the subject site to facilitate safe pedestrian crossing.

6. The learned counsel for the petitioner would submit that the proposal

to install traffic signal with 20 second time interval cannot act as a substitute for FOB given the traffic scenario on the road concern. She would draw our attention to photographs at running page 87 of the paper book to show even when the traffic light is “green” for pedestrians the vehicles are standing on the zebra crossing hardly giving space to the pedestrians to cross the road.

7. We may state the submission of the counsel is more related to violation of traffic rules / not following the rules, for which FOB cannot be an answer. No remedy can be found for the same in a public interest litigation. We find, that the respondents have applied their mind to the issue raised and have taken steps to ensure convenience / safety to the citizens. We close the public interest litigation with an observation if the petitioner has any issue that needs to be addressed by an authority concerned, liberty is with the petitioner to make a representation for the consideration of the said authority.

CHIEF JUSTICE

V. KAMESWAR RAO, J

AUGUST 29, 2018/aky