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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.47 OF 2019

Harish s/o Shrirang Daware,
Age: 64 years, Occu: Social worker,
R/o. Dastapur, Tq. Lohara,
District Osmanabad

..PETITIONER

VERSUS

Union of India,
Through Secretary,
Ministry of Road, Transport
and Highways of India,
New Delhi & ors.

..RESPONDENTS

Mr S. B. Gastgar, Advocate for petitioner;
Mr S. S. Deve, Advocate for respondent No.1;
Mr D. S. Manorkar, Advocate for respondent No.2;
Mr S. P. Sonpawale, A.G.P. for respondent No.3

**CORAM : PRASANNA B. VARALE
AND
AVINASH G. GHAROTE, JJ.**

DATE : 19th September, 2019

ORAL ORDER:

Heard Mr Gastgar, learned Counsel appearing on behalf of the petitioner.

2. While issuing notice to the respondents by an order dated 27th March, 2019, this Court referred to the grievance raised in the petition

(2)

and directed respondent No.2 to file affidavit-in-reply. Mr Manorkar, learned Counsel appearing on behalf of respondent No.2, by inviting our attention to affidavit-in-reply filed on behalf of respondent No.2 - Shri. S. S. Kadam, Project Director, PIU Solapur, National Highway Authority of India, submitted that the detailed study of foot over bridge at various locations from the engineer experts to safety experts was undertaken. The issue of estimated cost was also considered. The scrutiny was made as per the NHAI policies by the higher officials. It was also submitted before this Court by referring para 16 of the said affidavit-in-reply that in-principal approval for the proposed construction of foot over bridge at village Dastapur vide communication dated 22nd April, 2019 from the Regional Office, Mumbai was received and by communication dated 22nd April, 2019, directions were issued to the Concessionaire to start the construction of said foot over bridge.

3. Today, Mr Manorkar, learned Counsel for respondent No.2 placed on record a communication dated 24th June, 2019, issued by the Project Director, National Highways Authority of India. Perusal of this communication shows that the Concessionaire is in the process to start work of foot over bridge as per the plan submitted in the bar chart annexed to the communication dated 24th June, 2019. The bar chart

(3)

refers to various processes, namely, foundation work, earthwork, PCC, RCC. The bar chart also refers to completion of miscellaneous works and also refers to the expected date of completion of entire work i.e. 31st December, 2019.

4. In view of aforesaid communication dated 24th June, 2019 and more particularly the bar chart annexed to it, the same not only addresses the grievance raised in the petition of making available the facility of foot over bridge to the residents but it also takes care of redressal of the grievance. The statement in the bar chart that the work would be completed by 31st December, 2019 is accepted as an undertaking to this Court. Accordingly, the public interest litigation is disposed of.

(AVINASH G. GHAROTE, J.)

(PRASANNA B. VARALE, J.)

sjk