

CWP No. 5212 of 2019
Date of decision : 01.04.2019

Gagandeep Singh

..... **Petitioner**

versus

Union of India and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Jimmy Singla, Advocate for the petitioner.

TEJINDER SINGH DHINDSA, J. (ORAL)

Petitioner seeks a mandamus for directing respondent No.3 i.e. Path India Limited to pay to him compensation to the tune of Rs. 3 lakhs on account of damage caused to his car and that apart Rs. 2 lakhs for mental harassment and Rs. 50,000/- as litigation expenses.

The prayer raised in the instant petition is founded on the premise that while the petitioner was proceeding from Amritsar Airport to Ferozepur via Bathinda-Amritsar highway on his car make Hyundai i10 Grand Magna bearing registration No. PB-05-AE-6192, the car dashed against a carcass of the cow which was lying on the road on 24.11.2018 on the intervening night of 24/25.11.2018.

Counsel submits that such occurrence took place on a toll road and as such it was the responsibility of the concessionaire which was running the Toll Plaza and charging toll to ensure that such like accidents do not take place.

Having heard counsel for the petitioner and having perused the pleadings on record this Court is of considered view that the prayer raised in the petition cannot be gone into while exercising the extra ordinary writ jurisdiction under Articles 226 and 227 of the Constitution of India.

The petition raises questions of fact. There is no document/material placed on record for this Court to conclude that the accident and damage has taken place in the manner as has been described/claimed.

In view of the above and while declining to interfere in the instant petition liberty is granted to the petitioner to avail of his civil remedies if so advised and as available in accordance with law.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

01.04.2019
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No