

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

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IN VIRTUAL COURT

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CWP No. 2673 of 2020 (O & M)

Date of decision : 27.11.2020

Surinderpal Singh and others

.....Petitioners

Vs.

Union of India and others

.....Respondents

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. D.S. Gandhi, Advocate, for the petitioners

Mr. Satya Pal Jain, Addl. Solicitor General of India with
Mr. Tanvi Jain, Central Government Counsel
for respondent No.1-UI

Ms. Simran Grewal, AAG, Punjab
for respondents No.2, 5 and 6

Mr. Nitin Kumar, Advocate, for respondent No.3

Mr. A.S. Manaise, Advocate, for respondent No.4

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking for issuance of a writ in the nature of mandamus, directing respondents No.2 to 4 to provide an alternate safe path to the petitioners in place of the railway crossing, which was stopped/blocked by the respondents in lieu of constructing a fly-over on the road namely; Kot Mit Singh, Tarn Taran Road, Amritsar. It is further prayed that the respondents be directed to provide an immediate safe temporary access for the railway crossing.

At the outset, the counsel for the petitioners has pointed out that

the railway over-bridge, qua which the prayer was made in the petition, has already been completed by the respondents. However, to give a nearby access to the persons residing in the immediate vicinity of the railway line, an under-pass also formed part of the project. That under-pass has not been constructed by the respondents so far. Hence, the respondents be directed to complete the construction of the said under-pass as well.

In response to this, the counsel for respondent No.3 has pointed out that the under-pass, mentioned by the petitioner, formed part of the original project of construction of this over bridge. Hence, after completion of the over-bridge, the work on the said under-pass has also been started by the respondents. The contract for that purpose was awarded by respondent No.1 and respondent No.3-Railways is the supervising agency of the construction work of the under-pass. Hence, it is submitted that the construction of the under-pass shall also be completed by January 2021.

In view of the above, the present petition is disposed of with a directions to respondent No.1-UOI and respondent No. 3, who is represented by Deputy Chief Engineer, Northern Railways Construction, Jalandhar, to ensure that the construction of the said under-pass is completed latest by 15.3.2021.

All the pending applications also stand disposed of accordingly.

(RAJBIR SEHRAWAT)
JUDGE

27.11.2020

Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No