

\$~9

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Judgment delivered on: 25.11.2021

+ **W.P.(C) 11351/2021 & CM. APPLS. 34938-39/2021**

G BLOCK RESIDENTS WELFARE ASSOCIATION (REGD.)

Versus

**UNION ON INDIA, THROUGH ITS SECRETARY, MINISTRY OF
RAILWAYS & ORS. Respondent**

Advocates who appeared in this case:

For the Petitioner: Mr. A.S Chandhiok, Senior Advocate, Mr Dhruv Kapur, Mr Kunal Cheema, Mr. Vijayender Kumar, Mr Maharshi Kaler, Mr. Tarranjeet Singh Sawhney, Ms. Jasmeet Kaur Ajimal, Ms. Neelam Deol and Mr. Soundara Rajan, Advocates (Through VC)

For the Respondent: Mr. Rahul Mehra, Senior Advocate with Mr. Rishikesh Kumar, ASC, Mr. Vikas Saini and Mr. Rizwan, Advocates for R-4 & 5.
SI Kartar Singh, PS-Delhi Cantt Railway Station.
Ms. Shobhana Takiar, Advocate for DDA (Through VC)
Mr. Jagjit Singh, Mr. Preet Singh and Mr. Vipin Chaudhary, Advocates for Railways (Through VC)
Ms. Mini Pushkarna, Standing Counsel with Ms. Latika and Ms. Khushboo Nahar, Advocate for the Corporation (Through VC)
Sh. Arun Bhardwaj, Senior Advocate along with Mr. Prashant Manchanda, Mr. Mohit Saroha, Ms. Aditi S., Mr. Shashi Kant and Ms. Sakshi Uppal, Advocates for Respondents No. 6 and 7 (Through VC)

CORAM:-

HON'BLE MR. JUSTICE SANJEEV SACHDEVA

JUDGMENT

W.P.(C) 11351-2021

1

Signature Not Verified

Digitally Signed By: KUNAL
MAGGU
Signing Date: 25.11.2021 22:52:57
This file is digitally signed by PS
to HMJ Sanjeev Sachdeva.

Digitally Signed
By: JUSTICE SANJEEV
SACHDEVA
Signing Date: 25.11.2021
21:20

SANJEEV SACHDEVA, J. (ORAL)

1. Petitioner seeks a direction to the respondents not to process, any further, the construction of the foot over bridge between Naraina Vihar and Inderpuri Station without hearing the petitioner in compliance of judgment dated 07.07.2020, passed by a Division Bench of this Court in LPA 170/2020, titled *Amar Singh Gautam and Anr. Vs. G Block Resident Welfare Association (Regd.)*.

2. Learned senior counsel for respondent Nos.4 and 5 submits that a foot over bridge has been proposed to connect the residents of Budh Nagar, J.J. Colony with Naraina Vihar via G-Block, Naraina Vihar on a proposal dated 18.10.2021, received from one of the MLAs. Learned senior counsel submits that the foot over bridge is meant for the welfare of the nearby residents.

3. Learned senior counsel for the petitioner submits that no copy of the proposal has been received by the petitioner. He however submits that no foot over bridge can be constructed which in any manner prejudices the petitioner or connects any area with the land comprised within the boundary of the petitioner Society.

4. He further submits that in terms of the judgment of the Division Bench dated 07.07.2020, in any decision to be taken by the authorities with regard to the construction of the foot over bridge, petitioner is to be made a party and given an opportunity of hearing.

5. Learned senior counsel submits that an inspection was carried out recently for the purposes of construction of a foot over bridge but the petitioner was not made a party to the survey, nor any opportunity of hearing was granted. He submits that the petitioner/Society has filed several objections but they have also not been taken into account.

6. Learned counsel appearing for the Union of India, Ministry of Railways submits that as and when a proposal is received for construction of a foot over bridge, a survey is conducted and if found feasible, bridge is constructed by the Railways.

7. Learned counsel for North Delhi Municipal Corporation submits that a proposal had been received from the Northern Railways and a joint inspection was carried out on 31.07.2021, but the area was not found feasible for construction of a foot over bridge, which fact was duly communicated to the Northern Railway with a request to the Northern Railway to identify an alternative, site on which a feasibility study would be subsequently conducted.

8. Since the stand of the Corporation itself is that the site which was inspected was not found feasible and feasibility of an alternative site/location is still to be explored, this petition is disposed of with a direction to the Respondents that as and when any site, alternative or otherwise, is located for the purposes of construction of a foot over bridge, then in terms of the judgment date 07.07.2020 in LPA No.

170/2020 (supra), petitioner/Association shall be made a party to the said feasibility study and given a right of personal hearing. In which case, relevant documents/reports shall be provided to the petitioner.

9. It is clarified that this Court has neither examined, nor commented upon the requirement of the construction of a foot over bridge or the feasibility or otherwise, of the sites identified or proposed to be identified in future for the purposes of construction of the foot over bridge.

10. All rights and contentions of the parties are reserved.

11. Petition is disposed of in the above terms.

NOVEMBER 25, 2021
NA

SANJEEV SACHDEVA, J

नित्यमेव जयते