

LPA-1212-2021 (O&M)
DECIDED ON: 4th APRIL, 2022

GURNOOR KAUR AND OTHERS

.....APPELLANTS

VERSUS

UNION OF INDIA AND OTHERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lupil Gupta, Advocate, for the appellants.

Mr. Arun Gosain, Sr Panel Counsel for respondents No.1 to 3.

AUGUSTINE GEORGE MASIH, J (ORAL)CM-685-LPA-2022

Prayer made in this application is for restoration of the main appeal.

For the reasons mentioned in the application, we accept the prayer made in this application and we re-call our order dated 29th March, 2022 passed in LPA-1212-2021 and restored the appeal to its original number.

LPA-1212-2021

The present appeal has been preferred challenging the order dated 16th November, 2021 passed by learned Single Judge in CWP-17635-2021 vide which the writ petition preferred by the appellants has been dismissed by holding that Sham Lal Goyal is the grandfather of petitioner No.2 and they have not shown the relationship of other petitioners *vis-a-vis* the persons who had already filed CWP-6639-2021 along with Sham Lal Goyal. The Court had on an earlier occasion come to the conclusion that it could not be a case where a writ jurisdiction would lie in the form as has been sought to be projected rather the appropriate remedy would be, to file a Public Interest

When this Court asked the counsel for the appellants, as to what was the personal interest of the appellants involved which bars from approaching the Court by way of Public Interest Litigation. The reply to the same is that they are using the road where the electricity pole is standing and under-pass has to be built/constructed. This plea of the counsel for the appellants further fortifies the finding of the learned Single Judge that it is a Public Interest Litigation petition which is being sought to be projected as a private interest litigation. No further private interest has been sought to be projected except that the appellants is using the said road which is not admittedly a private road but is a public road open to all.

We do not find any ground for interfering in the present appeal and, therefore, dismiss the same.

(AUGUSTINE GEORGE MASIH)
JUDGE

(SANDEEP MOUDGIL)
JUDGE

4th APRIL, 2022
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>