

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

CWP-PIL-15-2023 (O&M)
Date of decision:- 21.02.2023

Jarnail Singh and another

...Petitioner(s)

Versus

Union of India and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE**
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Kehar Singh Hissowal, Advocate,
for the petitioners.

Mr. Avinit Avasthi, Assistant Advocate General, Punjab.

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RAVI SHANKER JHA, C.J. (ORAL)

This writ petition has been filed in public interest praying for a writ of mandamus directing the official respondents to consider the petitioners' representations dated 26.08.2022 and 26.10.2022 (Annexures P-13 and P-14) and provide a path/cut on the National Highway between villages Lalle & Haraj near Talwandi Bhai town of District Ferozepur which is necessary for the easy travel/facilities to the public of more than 20 villages.

It is pertinent to note that the petitioners had previously filed CWP-PIL-204-2020 which was disposed of by this Court vide order dated 22.01.2021 directing the respondent-authorities to consider and take a decision on their representation dated 20.11.2020, wherein they allegedly in public interest had asked the respondent-authorities to provide a path/cut on the National Highway between villages Lalle and Haraj near Talwandi Bhai town of District Ferozepur as it was alleged that it would facilitate the inhabitants of more than 20 villages.

Evidently, pursuant to the order dated 22.01.2021 passed by this Court, the respondent-authorities have considered the petitioners' representation and passed an order way-back on 10.11.2021 rejecting the same on the ground that on account of a technical report submitted by the Authority Engineer, the path/cut could not be provided at the place requested for in view of the Indian Road Congress (IRC) guidelines.

Evidently and admittedly, the order passed by the authorities dated 10.11.2021 has not been challenged by the petitioners inspite of lapse of more than 1 ½ years. It is further pertinent to note that the question as to whether an opening/path has to be provided on the National Highway or not

and whether such an opening is feasible or not, is already specified in the IRC guidelines and these are all technical issues to be determined by the authorities concerned.

In the instant case, the claim of the petitioners has been declined by the respondent-authorities on the basis of the technical report received from the Authority Engineer to the effect that 2.0m width for storage lane is available at site. However, 3.0m width for storage lane is specified in the IRC guidelines. Thus, due to constraints of inadequate space towards RHS junction at Ch. 171+940 to 171+940, the median opening near staggered junctions of villages Lalle and Haraj is not feasible as per the IRC guidelines. This Court does not have a technical expertise to take decision in such a matter and it is for this reason that this Court had disposed of the earlier writ petition directing the respondent-authorities to consider the petitioners’ representation and take a decision thereon. The respondent-authorities after having applied their mind and having considered the technical aspect of the matter as well as the IRC guidelines rejected the same.

In the circumstances, we find no reason to entertain the present writ petition which is, accordingly, dismissed.

At this stage, learned counsel for the petitioners submits that they are willing to provide land free of cost to the respondent-authorities in case that is the only lacuna for providing an opening at the place in question.

We have not expressed any opinion on the merits of the issue in question and leave it open to the petitioners to approach the respondent-authorities, if so advised, and pursue the matter.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

21.02.2023
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No