

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-2970-2017(O&M)
Date of decision: 30.04.2024

DXP Welfare Association
... Petitioner

Versus

Union of India and others
... Respondents

CORAM: HON’BLE MR. JUSTICE ARUN PALLI
HON’BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Manish Jain, Advocate,
Mr. Siddhant Jain and Mr. Manan Jain, Advocates,
for the petitioner.
Mr. Ankur Mittal, Addl. AG, Haryana,
Mr. Karan Jindal, AAG, Haryana,
for respondent No.2-State.
Mr. Ankur Mittal, Advocate, and
Ms. Kushaldeep Kaur, Advocate,
for respondents No.3-HSVP.
Mr. Sunil Kumar Sahore, Advocate,
for respondent No.4-NHAI.

ARUN PALLI, J. (Oral)

A mandamus is prayed for, commanding the respondents to complete the construction of Northern Peripheral Road (NPR) – Dwarka Expressway from near Kherki Duala, Gurgaon to Dwarka, Delhi, in a time bound manner.

The matter is pending since February, 2017. And pursuant to the interim orders passed by this Court from time to time, the authorities have submitted replies/status reports. However, learned counsel for respondent No.4-NHAI, while drawing our attention to the status report dated April 11, 2024, submits that regarding construction/widening of Dwarka Expressway, packages 3 & 4 which fall within the State of Haryana, have since been fully

executed. And, the project stretch has been thrown open to traffic since 11th March, 2024.

Likewise, in compliance to the order of this Court dated May 17, 2023, learned counsel for respondent No.3 has filed an affidavit of Executive Engineer, HSVP, Gurugram, dated 29.04.2024, in Court today, which is taken on record. Copy furnished. And, while drawing our attention to para 4 thereof, he submits that the central 90 meters Right of Way (ROW) of Northern Periphery Road (Dwarka Expressway) has since been handed over to NHAI (respondent No.4) by HSVP (respondent No.3) on 04.12.2018 to the extent of 15.32 kilometers out of total stretch of 18 kilometers. Further, 30 meters on both sides of 90 meters ROW and rest of the stretch was handed over to Gurugram Metropolitan Development Authority (GMDA) upon construction of ROW:

“4. That it is respectfully submitted that in compliance of the aforesaid order instant affidavit is being filed thereby giving the status of the construction of road. In this regard it is submitted that the Central 90 mtr. Right of Way of Northern Periphery road which is also known as Dwarka Expressway was handed over to NHAI by HSVP on 04.12.2018, to the extent of 15.32 Kms out of total stretch of 18 Kms and further 30 mtrs. on both sides of 90 mtrs. and rest of the stretch was handed over to GMDA after construction of ROW. The NHAI is executing the redevelopment in their portion and further it is pertinent to mention that the worthy Prime Minister has also inaugurated the Dwarka Expressway Haryana portion on 11.03.2024. True copy of the proceedings of handing over is being annexed

herewith as Annexure R-1 for the kin construction of this Hon’ble Court.”

Accordingly, learned counsel for respondent No.3-HSVP and respondent No.4-NHAI submit that nothing substantive survives in the petition.

The position set out in the status report dated 11.04.2024 as also the averments made in para 4 of the affidavit filed today on behalf of respondent No.3, is not disputed by learned counsel for the petitioner. And, he fairly submits that the petition be disposed of in terms thereof.

In the wake of the above, the petition is accordingly disposed of as having been rendered infructuous.

(Arun Palli)
Judge

(Vikram Aggarwal)
Judge

30.04.2024
Rajan

Whether speaking / reasoned:	YES/NO
Whether Reportable:	YES/NO