

IN THE PUNJAB AND HARYANA HIGH COURT AT  
CHANDIGARH

209

CWP-5426-2017 (O&M)  
Date of Decision: 16.01.2024

JAGDISH CHANDER

... Petitioner

VERSUS

UNION OF INDIA AND ORS.

... Respondents

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

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Present: Ms. Amrita Garg, Advocate for the petitioner.

None for respondents No.1, 4 and 5.

Mr. Pankaj Mulwani, DAG, Haryana  
for respondents No.2 and 3.

Ms. Seerat Saldi, Advocate for  
Mr. Gaurav Chopra, Sr. Advocate (**Amicus Curiae**).

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**VINOD S. BHARDWAJ, J. (ORAL)**

Prayer made in the present petition is confined to issuance of directions to the respondents to implement the report of the Commissioner of Railways Safety, Northern Region dated 27.05.2013 (Annexure P-3) and to discontinue any unmanned railway crossings that exist.

A written statement for and on behalf of respondents No.1, 4 and 5 had been filed through Mr. Divesh Kumar Singh, Sr. Divisional Engineer-IV, Northern Railway, DRM Office, wherein it has been averred that the claim of the petitioners is that the accident in question had taken place at an unmanned level crossing No.33 on Sampla and Asauda route, which falls under the Delhi Division. It is specifically averred in the said affidavit that there is no unmanned level crossing gate in the section i.e. from Delhi-Rohtak-Bathinda of the Delhi Division. Hence, the claim of the petitioners as regards the place of accident being at an unmanned railway crossing is disputed and denied in its

entirety by a specific assertion of absence of any unmanned crossing gate on the said route.

Even though the aforesaid affidavit had been filed on behalf of respondents No.1, 4 and 5 on 05.12.2019 and period of more than four years has elapsed since then, however, no replication or counter affidavit has been filed till date.

Further, an additional reply was filed on behalf of the respondents on 15.03.2020 reiterating the said factual aspect, thereby disputing the manner in which the accident in question had taken place.

In the given circumstances, there is no material available with this Court, on the basis whereof, it can be *prima facie* observed that the unmanned railway crossing exists on the said route. The counsel for the petitioners specifically submits that they are not urging or praying for any compensation under the given circumstances and are only interested in pursuing that appropriate safety measures are adopted in terms of the recommendations made by the Commissioner.

There is no representation on behalf of respondents-Railways.

In view of the above, no further directions are required to be issued in the present case. The same is accordingly disposed of at this stage as having been rendered infructuous.

All other misc. application(s), if any, also stand(s) disposed of accordingly.

**JANUARY 16, 2024**  
*rajender*

**(VINOD S. BHARDWAJ)**  
**JUDGE**

*Whether speaking/reasoned* : Yes/No  
*Whether reportable* : Yes/No