IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

207

2024:PHHC:143579-DB

CWP-PIL-6-2018
Date of decision: 05.11.2024

DEEPAK YADAV **..Petitioner**

Versus

STATE OF HARYANA AND ORS **..Respondents**

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aashish Chopra, Sr. Advocate
with Mr. Abhilaksh Grover, Advocate
Ms. Rupa Pathania, Advocate
for the petitioner.

Mr. Naveen S. Bhardwaj, Addl. A.G., Haryana.

Mr. Deepak Balyan, Addl. A.G., Haryana
for respondent No.2 and 4.

Mr. Chetan Mittal, Sr. Advocate
Mr. R.S. Rai, Sr. Advocate
with Mr. Rajeev Anand, Advocate
Mr. Udit Garg, Advocate
Ms. Radhika Mehta, Advocate
for respondent No.3.

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SHEEL NAGU, C.J. (Oral)

1. The present petition has been filed in shape of Public Interest Litigation (PIL) by allegedly public spirited person, resident of Gurugram City, raising public cause of non-existence of three Foot Over Bridges above 16 lane highway between NH-8 to Sector 55-56, Gurgaon, connecting one side to the other.

2. A supplementary prayer was also made for restraining respondent No.2-HUDA from exercising any rights including advertisement rights over the Foot Over Bridges, once they are constructed.

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I attest to the accuracy and
authenticity of this order/judgment.

3. During pendency of this petition, during last about 6 years, the Foot Over Bridges have already been constructed and are being used by general public.

4. Learned counsel for rival parties have argued at length as regards the prayer No.2 of giving advertisement rights over Foot Over Bridges.

5. In the considered opinion of this Court, once the principal prayer of non-existense of Foot Over Bridges stands satisfied by construction of Foot Over Bridges at the place in question, the exercise or otherwise of the right of advertisement on Foot Over Bridges pales into insignificance and also because the said right appears more to be a personal right, it need not to be dealt with in a Public Interest Litigation.

6. This Court can only observe that the relevant statutory provisions governing the field of vesting of advertisement rights qua grant or non-grant of advertisement rights would be applicable depending that the alternate object of preserving and enhancing the offers at public exchequer.

7. With these observations, the present petition stands disposed of.

8. This Court hasten to add that apart from the public cause shown of the construction of Foot Over Bridges, this Court has not decided any issue between the parties including that of the title.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

November 05th, 2024
Ayub
Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*

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authenticity of this order/judgment.