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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6827/2024 and CM APPL.28492/2024**

SHAILENDRA KUMAR SINGH

..... Petitioner

Through: Ms. Anshu, Adv. along with
petitioner in person.

Versus

NORTHERN RAILWAY

..... Respondent

Through: Mr. Anshuman Singh, SPC along
with Mr. Gokul Sharma, GP and Mr.
Rajeev Sharma, Adv. for UOI.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

13.05.2024

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1. The petitioner has filed the present petition seeking the following reliefs:

“I. Direct respondent for restoration of full and unimpeded access to the Township via the original road route or Construct 18Meter wide loop road as an alternative arrangements.

II. Direct respondent to construct and provide clear road connectivity in all condition not less than road width as mentioned in national building code(Clause 4.6(a) Volume III) for high rise building.

III. Appropriate compensation for the inconvenience, losses incurred due to the unauthorised occupation and the litigation charges of Rs 3,00,000 /- .

IV. A ny other relief which this Hon'ble Court deem fit and proper in the interest of justice in favor of the petitioners and against the respondent.”

2. The grievance of the petitioner is that on account of a railway over bridge being constructed by the respondent/Northern Railways, the width of the road which provides access to the petitioner's apartment complex and



other residential areas, is proposed to be reduced from 18 meters to only about 5 meters. It is submitted that the same would create a huge bottleneck in the area, causing inconvenience to thousands of citizens who utilize the road for the purpose of connectivity to their residential premises and for connectivity to the various educational institutions and establishments which are also situated on that road.

3. It is submitted that the respondents did not take requisite approval from any local authority as regards reduction of the width of the road from 18 meter to 5 meter. It is submitted that the railway over bridge cannot be allowed to be constructed in a manner which will completely choke the main entry road to the petitioner's township; it is further contended that the same also results in violation of National Building Code (Clause 4.6(a) Volume III).

4. One of the suggestions that has been made by the petitioner is that the respondent constructs a 18 meter wide loop road so as to ensure that the road on which the railway over bridge is being constructed does not choke the area in question.

5. After some hearing, learned counsel for the respondent submits that the present petition shall be treated as a representation and a speaking order shall be passed thereon after affording an opportunity of hearing to the petitioner. It is further assured and undertaken, on instructions that all reasonable efforts shall be made to accommodate the concerns of the petitioner. The suggestion of the petitioner to construct an 18 meter wide loop road shall also be constructively considered. Let the speaking order be passed within a period of 4 weeks from today.

6. It is made clear that if the petitioner is aggrieved with the outcome of



the aforesaid exercise, it shall be entitled to avail appropriate remedies under law.

MAY 13, 2024/cl

SACHIN DATTA, J