

Jvs.

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 18797 OF 2024

Pandurang Krishanrao Chavan & Ors.	}	Petitioners
versus		
State of Maharashtra & Ors.	}	Respondents

JAYANT
VISHWANATH
SALUNKE

Digitally signed by
JAYANT VISHWANATH
SALUNKE
Date: 2025.04.08
00:29:07 +0530

Mr. S. S. Patwardhan i/b. Mr. Mrinal Shelar for petitioners.

Ms. Neha S. Bhide, Government Pleader with Mr. O. A. Chandurkar, Additional Government Pleader and Ms. G. R. Raghuwanshi, AGP for respondents 1 & 2.

Mr. T. J. Pandian with Ms. Noorjahan Khan and Mr. Gautam Modanwal for respondent no. 4.

**CORAM: ALOK ARADHE, CJ. &
M. S. KARNIK, J.
DATE: APRIL 7, 2025**

P.C.:

- 1.** Heard learned counsel for the parties.
- 2.** The petitioners are all residents of village Koparde Haveli, Taluka Karad, District Satara. By this petition under Article 226 of the Constitution of India, the petitioners seek a direction to the respondents (Railways) to construct a Railway Underpass at Railway Gate No. 97 on the Maharashtra State High Way No.142 as per the Government Resolution dated 9th February 2022. The apprehension expressed by the petitioners is that the Railways propose to construct a Rail Over Bridge (ROB) and not a Rail Under Bridge (RUB).
- 3.** It is submitted by learned counsel for the petitioners that different stands are taken by the authorities of the Railways in the affidavit in reply.

4. Mr. Pandian, learned counsel for the respondents (Railways) has invited our attention to the affidavit in reply filed on behalf of the Divisional Railway Manager, Pune Central Railway affirmed by Mr. Vikas Kumar. In para 7 of the said affidavit, it is stated as under: -

"7. I say that the TVU of LC No. 96 is 409775 (as of September-21) which is more than 1 lakh TVU and the same qualifies for elimination by providing both ROB and RUB as per Railway Board's Policy. I say that in the present case the original sanction itself was for the work of construction of ROB in lieu of LC No. 96, however, as per policy guidelines, wherever Rob is constructed a small size RUB (of 4.0 x2.75 m) is also constructed to ease the movement for pedestrians. I further say and submit that at the location of LCs having high TVU, provision of an RUB of a small size will be insufficient to cater the traffic and it is also inevitable to mention that during monsoon, railway underpass are prone to water logging which imminently causes additional hurdle to road users, but by providing ROB such risk of traffic hurdle due to waterlogging would be minimized. In view of this, at the location of LC-96 which is having high TVUs, both RUB as well as Rob work are being undertaken as Deposit Work. The work is being executed by MRIDC, the Respondent no. 3 and the GAD/Drawings for both ROB and RUB have been prepared and submitted to Railway HQ for approval."

5. In this view of the matter, since the Railways are constructing both, ROB as well as RUB, the grievance of the petitioners is suitably redressed.

6. The PIL petition accordingly is disposed of in view of the affidavit filed by the respondent-Railways which is at page 37 of the paper book.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)