



CWP-373-2023

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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(243)

CWP-373-2023

Date of Decision : 15.07.2025

Manohar Singh and others

...Petitioners

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. J. P. Sharma, Advocate for the petitioners.

Mr. Sunil Kumar Sahore, Advocate for respondents No.1 to 5.

Mr. Pankaj Mulwani, DAG, Haryana for respondents No.6 and 7.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for issuance of a *mandamus*, upon the respondents, for completing the construction work of underpass on NH-11, on the passage going from village Mirzapur - Bachhod to village Tajpur-Bhilwara, Block Ateli, District Mahendergarh.

2. This Court, vide order dated 20.05.2025, had passed the hereinafter extracted order upon the instant petition:-

“1. Fetching grievance from the lackadaisical and indolent approach of the National Highway Authority of India (NHAI), with regard to non-completion of work of construction of underpass on NH-11, on the passage going from village Mirzapur-Bachhod towards village Tajpur-Bhilwara, Block Ateli, District Mahendergarh, bearing khasra No.133 of village Mirzapur, Tehsil Ateli, District Mahendergarh, the petitioners have approached this Court, through the instant writ petition, cast under Articles



226/227 of the Constitution of India, seeking issuance of a mandamus, upon the respondents, to remove the obstacles, and make the under pass usable for the petitioners, as well as for other nearby inhabitants.

2. The Co-ordinate Bench of this Court, while drawing an order dated 08.08.2024, had directed the Project Director, National Highways Authority of India, to file a status report with respect to the provisions of underpass, and proper maintenance thereof.

3. In deference to the directions (supra), status report dated 08.05.2025, by way of affidavit, on behalf of the respondents No.2 to 5, has been filed, and the same is ordered to be taken on record.

4. The affidavit/status report (supra), voice about the fact that, earlier there was no provision for construction of underpass/subway at the present location, due to a proposed Vehicular Under Pass (VUP), which is about 1 km. away from the current location. However, in view of the persistent demand of the villager's, a subway measuring 4.80 x 2.75 meter, was considered to facilitate the cross movement for agricultural purposes. The competent authority, not only approved the cost estimate of the said subway, but also assigned the work, for its completion.

5. The construction of subway has already been completed in the year 2021, except the ramp, which was not completed, due to some resistance from the co-villagers of the petitioners. The affidavit (supra), further voice about the fact that after issuance of notice of motion, by this Court, the respondent-authority has again started the construction of the said ramp, on dated 01.04.2025, and thereafter, again on dated 25.04.2025, but the efforts were again not fruitful, as there was strong resistance and physical obstruction by local villagers, against the said construction.



6. Considering the above factual submissions, this Court finds, at this stage, apt to pass a mandamus, upon the Deputy Commissioner, Mahendergarh at Narnaul, who has already been approached by the respondents-NHAI, vide letter No.252 dated 01.05.2025, not only to appoint a Duty Magistrate for completion of work, but also to ensure that, till the completion of the work, no individual shall cause any hindrance, to the said construction work.

7. Mr. Pankaj Mulawani, DAG, Haryana, who is representing the respondents No.6, undertakes to intimate the Deputy Commissioner, Mahendergarh, at Narnaul, regarding the directions, as passed by this Court, for the latter, to make compliance thereof, in letter and spirit.

8. List this matter on 15.07.2025, for arguments.

9. In the meanwhile, the Deputy Commissioner concerned, is directed to file his/her personal affidavit, on or before the next date of hearing, disclosing therein, the present status of the construction of work, as undertaken by the respondent-NHAI. The respondent-NHAI, is also directed to fully cooperate with the Deputy Commissioner concerned, in order to complete the construction work.”

3. In deference to the directions (supra), short reply dated 11.07.2025, by way of affidavit of Dr. Vivek Bharti, IAS, Deputy Commissioner, Mahendergarh at Narnaul, on behalf of the respondent No.6, filed today in the Court. The same is taken on record. The reply (supra), voice about the factum of appointment of the Duty Magistrate, vide order dated 18.06.2025, to get the pending work, as related to the project in question, be completed by the NHAI. The reply (supra), further voice that the NHAI Project Implementation Unit, Rewari, has intimated to the Deputy Commissioner, Mahendergarh, vide letter dated 04.07.2025, and has submitted the work programme for completing the said work, vide letter dated



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03.07.2025, according to which, the work would be completed by dated 21.09.2025. The relevant information, as provided to this Court, as envisaged in Paragraph 6 of the reply (supra), is extracted hereinafter:-

“6. That Project Director NHAI Project Implementation Unit Rewari has intimated to Deputy Commissioner Mahendergarh at Narnaul vide letter dated 04.07.2025(Annexure-R-4) that NHAI has submitted the work programme for completing the said work through letter no. 167 dated 03.07.2025(Annexure-R-5) in which it is mentioned that the said work is to be started from 05.07.2025 and to be completed by 21.09.2025. That Project Director NHAI Project Implementation Unit Rewari has intimated vide letter dated 08.07.2025(Annexure-R-6) that the work of dewatering has been completed on dated 05.07.2025 as per work programme submitted by NHAI but due to heavy rain fall on dated 06.07.2025 and 07.07.2025 the said area again filled with water. Accordingly the work/process of dewatering was again started on 08.07.2025 so that the said work be completed as per the work programme already submitted by NHAI.”

4. In view of the specific work programme, as submitted by the NHAI, this Court, at this stage, is of the considered opinion that no further *mandamus* is required to be passed in the instant petition, and the same is hereby, **closed**.

5. In case, there is an inordinate delay in further completion the work of the underpass, the petitioner is at liberty to get the instant petition revived, by filing apt motion.

6. Consequently, the instant writ petition is **disposed of**.

(KULDEEP TIWARI)
JUDGE

July 15, 2025
Manpreet

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