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Devinder Sehrawat vs.union of India & Ors

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SooperKanoon Citation : sooperkanoon.com/1224064

Court : Delhi

Decided On : Jul-17-2019

Appellant : Devinder Sehrawat

Respondent : Union of India & Ors

Advocate for Def. : Mr. Rajesh Gogna, Mr. Kamaldeep, Mr. Rajiv Sharma, Mr. Sanjeev Sagar, Ms. Nazia Parveen, Ms. Garima Prashad

Advocate for Pet/Ap. : Mr. Manu Mridul, Mr. Sumit Mamgain, Mr. Shalaj Mridul

Judgement :

$~24 * IN THE HIGH COURT OF DELHI AT NEW DELHI % Date of decision:

17. h July, 2019 + W.P.(C) 8686/2018 and CM Nos.33337/2018, 48394/2018 DEVINDER SEHRAWAT .....

... Petitioner
Through: Mr. Manu Mridul, Mr. Sumit Mamgain, Mr. Shalaj Mridul, Advs. versus UNION OF INDIA & ORS .....

... RESPONDENTS
Through: Mr. Rajesh Gogna, CGSC for R-1 and 3 with Mr. Kamaldeep, Adv. and Mr. Rajiv Sharma, EE (CPWD) Mr. Sanjeev Sagar, SC-DDA with Ms. Nazia Parveen, Adv. for R-4/DDA Ms. Garima Prashad, SC for R-5/DMRC CORAM:-

"HONBLE THE CHIEF JUSTICE HONBLE MR JUSTICE C. HARI SHANKAR D.N.PATEL, CHIEF JUSTICE (ORAL)

JUDGMENT

CM No.48394/2018 (condonation of delay) For the reasons stated in the application, delay is condoned. The application is allowed and disposed of.

1. 2. W.P.(C) 8686/2018 Page 1 of 4 W.P.(C) 8686/2018 1. This Public Interest Litigation has been preferred for the following prayers : a) pass necessary directions to the

... RESPONDENTS

to make provisions for a safe passage for the residents in the ongoing construction for: i. the safe access for residents of Mahipalpur, Arjun Camp and JJ cluster and surrounding colonies to for their daily needs as well as the Cremation Ground (shamshan bhoomi); which will help the residents of the area, who are not only risking their life everyday but also hazards to the smooth flow of traffic, resulting in huge traffic jams; and ii. Safe access/passage near the underpass at E-2 Red Light, Main Vasant Kunj- Mahipalpur Road, Near Defence Enclave, Mahipalpur village to facilitate thousands of residents crossing road dangerously which will prevent accidents and save precious life; and iii. Pass necessary directions for the construction of an under-Ground Storm Water Drain from the Vasant Valley School to Mahipalpur Village. Under Ground Storm W.P.(C) 8686/2018 Page 2 of 4 2. Water Drain to drain out rain water from Vasant Kunj area to Mahipalpur, which flows on top of the Roads thus flooding the Vasant Kunj Sectors and Gurugram Highway. This underground drain is not included in current project being carried out by the CPWD; and b) for such order and further orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case. Having heard learned Counsels for both sides and looking to the facts and circumstances and also looking to the counter affidavit filed by the

... RESPONDENTS

No.1 and 3 it appears that the construction of the flyover and under-bridge is already over and is dedicated to the public at large on 28th February, 2019.

3. It further appears from the counter affidavit filed by the

... RESPONDENTS
No.1 and 3 that adequate care has been taken as stated in paragraph 7 at page 68 of the affidavit about the traffic congestion, water logging etc. So far as the access to the cremation ground is concerned, it is submitted by Counsel for the

... RESPONDENTS
No.1 and 3 that there is a footpath for accessing the cremation ground. It is true that sometimes when the over-bridge is being constructed, somebody has to take a U-turn and has to come back but it does not mean that there is no access to the cremation ground at all. Whenever any facility is being provided like flyover/under-bridge, there is bound to W.P.(C) 8686/2018 Page 3 of 4 be some difficulty with few of the persons but against the public interest, private interest cannot be looked into.

4. In view of these observations, we see no further reason to monitor the construction of the flyover and the under-bridge because it is already over and the facilities are available with the public at large and the difficulties about the traffic congestion etc has been reduced.

5. Hence, this writ petition is hereby disposed of. CM No.33337/2018 6. In view of the order passed in the writ petition, this application stands disposed of. JULY17 2019/kr CHIEF JUSTICE C. HARI SHANKAR, J.

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