
(2016) 12 AHC CK 0015

In the Allahabad High Court

Case No : Public Interest Litigation (Pil) No. - 57813 of 2016

Help Care Foundation

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 07-12-2016

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2016) 12 AHC CK 0015

Hon'ble Judges : V.K. Shukla and Mahesh Chandra Tripathi, JJ.

Bench : Division Bench

Advocate : Ved Prakash Mishra, Advocate, for the Petitioner; A.S.G.I., C.S.C.,
Neeraj Dube, Advocate, for the Respondent

Final Decision : Dismissed

Judgement

1. Help Care Foundation, a society registered under Societies Registration Act, 1860, through its Managing Director is before us with the prayer for issuing writ in the nature of mandamus commanding the Union of India through Ministry of Road Transport and Highways as well as National Highways Authority of India to take effective steps to fence the river side edges of the New Yamuna Bridge to curb the possibility of committing suicide by frustrated youth by jumping into Yamuna river from over the bridge.

2. The concern raised by the petitioner's society is appreciated by us but we cannot come to rescue and reprieve of the petitioner for the reason that have been informed to us through Sri Pranjal Mehrotra, Advocate, who represents National Highways Authority of India before this Court, that the matter has been under active consideration and in this regard a committee has been constituted by the District Magistrate, Allahabad and, thereafter, experts' report has also been called for and the experts in their turn after holding the meeting at the District Magistrate's office on 24.12.2013 have proceeded to raise their concern by mentioning that it was not at all feasible due to following reasons;

"1. The special Mobile Bridge Inspection Unit which is used for checking/ inspection of critical elements of Cable Stayed Bridge will not be functional properly if a fence at bridge is erected.

2. The Cable Stayed Bridge is very sensitive structure & therefore whatever type of fence is erected will create an additional force when there is strong wind on the Bridge.

3. A net/fence 7 or 10 feet high would distract the view considerably from the aesthetics of the bridge.

4. As per the design the railing portion 3.2m is a cantilever portion so we cannot put more load as the load capacity is fixed and Footway live Load : 500Kg/M² . (4.9033 kN/m²) modified as per IRC:6-1966 CI.209.

In view of the above, it is not recommended to fix the fencing at the Cable Stayed Bridge."

3. Once the experts in field have given valid reasons as to why it was not at all feasible to erect fencing on the bridge, we cannot intervene in the matter and cannot come to rescue of the petitioner, in view of this, the directive prayed for cannot be accorded by us.

4. Writ petition is dismissed, accordingly.

5. This order has been passed with due assistance of Sri Saurabh Srivastava, Advocate as well as learned Standing Counsel.