

(2020) 01 DEL CK 0491

In the Delhi High Court

Case No : Civil Writ Petition No. 751 Of 2020

Sunil Kumar Verma

APPELLANT

Vs

Union Of India And Ors.

RESPONDENT

Date of Decision : 22-01-2020

Acts Referred:

Citation : (2020) 01 DEL CK 0491

Hon'ble Judges : Dhirubhai Naranbhai Patel, CJ;C. Hari Shankar, J

Bench : Division Bench

Advocate : Sushil Kr. Jain, Dhiraj Bidhuri, Archana, Suparna Srivastava, Nehul Sharma, Tarun Johri, Ankur Gupta, Naushad Ahmed Khan, Zahid Hanief, Manisha Chauhan, Tushar Sannu, Ankita Bhardwaj, Jagjit Singh, Preet Singh

Final Decision : Disposed Of

Judgement

D.N. Patel, CJ

1. This so-called Public Interest Litigation has been preferred with the following prayers:

"(a) Issue a writ, order, direction in the nature of mandamus thereby direct the respondents to construct Skyway over railway lines from/between Steel Authority of India Ltd. Okhla Industrial Area Leads to Village Tekhand, Okhla Industrial Area, New Delhi -110020 to Sarita Vihar Metro Station, New Delhi where length about 477 meters on angle of 180 degree and further directing to immediate decision for aforesaid construction work on Skyway constitute a committee in the Chairman of Respondent No.I, (Chairman Railway Board) of all respondents where petitioner should be a member for removal of communication gap in between the all respondents and fulfil the dream of the petitioner where petitioner wandering / corresponding to respondents for aforesaid prayer for last five years otherwise petitioner will die with said dream and spend more than Rs.3,00,000/-till date;

(b) Pass any other order or direction as this Hon'ble Court may deem fit and

proper be also passed."

2. We have heard the counsel for petitioner. It is submitted by the counsel for petitioner that the petitioner is a social worker and he has done lot of work and research on skyway and his dream is to get Skyway constructed over railway lines between Steel Authority of India Ltd., Okhla Industrial area, New Delhi which leads to Village Tekhand, Okhla Industrial area, New Delhi-110020 to Sarita Vihar Metro Station, New Delhi.

3. Having heard the counsel for petitioner and looking to the facts and circumstances of the case, we see no reason to entertain this writ petition mainly for the following reasons:

(a) Several grievances have been ventilated about the construction of skyway over railway line between Steel Authority of India Ltd. Okhla Industrial area which leads to Village Tekhand, Okhla Industrial area, New Delhi-110020 to Sarita Vihar Metro Station, New Delhi. The length of the said skyway is about 477 meters on angle of 180 degree. It is also submitted by the counsel for petitioner that petitioner should have been a member in the committee under the chairmanship of respondent No.1 (Chairman Railway Board) so that there will be no communication gap between all the respondents. It ought to be kept in mind that the petitioner is not having such type of technical knowledge. Filing such type of petition would tantamount to interference with the policy decision of the respondents.

(b) It appears that construction of skyway over railway line is highly technical job in nature which includes complex decision to be taken by the concerned respondent authority with the aid and advise of the experts in the field. Several aspects ought to be kept in mind by the respondent authorities before constructions of the skyway over the railway line, therefore no direction can be given by this Court much less than issuing writ of mandamus upon respondents for such prayer which is highly technical in nature involving construction of the skyway over the railway line.

(c) Moreover, it appears that this is not a public interest litigation at all but in fact a publicity interest litigation as the petitioner is not even an engineer. When we put a question to the petitioner about the qualification of the petitioner, the answer given by the counsel for petitioner is that the petitioner is a social worker.

Thus, without any homework being done by the petitioner, this writ petition has been preferred.

4. Hence, this writ petition is hereby dismissed with costs of Rs. 25,000/- (Rupees twenty five thousand only) to be deposited with the Delhi State Legal Services Authority. This amount shall be utilized for the programmes "Access to Justice".

5. A copy of this order will be sent to the Member Secretary, Delhi State Legal Services Authority, Central Office, Patiala House Courts Complex, New Delhi - 110001 for information.

6. With the aforesaid observation, the writ petition stands disposed of.