

(2010) 12 UK CK 0096

In the Uttarakhand High Court

Case No : Writ Petition (PIL) No. 9 of 2010

Umesh Takuli and Another

APPELLANT

Vs

State of Uttarakhand and Others

RESPONDENT

Date of Decision : 15-12-2010

Acts Referred:

Citation : (2010) 12 UK CK 0096

Hon'ble Judges : Barin Ghosh, C.J.;V.K. Bist, J

Bench : Division Bench

Judgement

Barin Ghosh, C.J.—The Government has sanctioned construction of the second bridge across river Saryu at Bageshwar. According to the original proposal, the proposed site of construction of the bridge was at the side of the existing hospital at Bageshwar. A letter was written by or on behalf of the hospital stating that construction of the bridge may hinder in the working of the hospital. Soon thereafter, the proposal to construct the bridge was shifted by the side of the existing bridge. In the present writ petition, in the nature of Public Interest Litigation, it has been contended that construction of the bridge, as was originally proposed by the side of the hospital, would enure to the benefit of the local people and, accordingly, persons responsible for making construction of the said bridge in public interest selected the place situated by the side of the hospital for construction of the bridge. It is also being contended in the writ petition that construction of the bridge by the side of the hospital would not, nor can at all, hinder in any manner the functioning and working of the hospital. It was contended that there was no just reason for shifting of the site of the bridge. The Respondents gave an impression in their counter affidavit that not only on the basis of the representation made on behalf of the hospital, but taking into account the public view of the matter, a decision was taken to shift the site of the bridge. This assertion, that the decision to shift was also influenced by public opinion, was disputed by the Petitioner.

2. In the circumstances, we felt that it is necessary to secure public view in the

matter. We, accordingly, passed an order and directed the District Magistrate to convene a meeting of the local people to ascertain their views. The District Magistrate has submitted his report and therein has indicated that each and every person present at the meeting wanted the bridge to be constructed at its original site, near the hospital. In such view of the matter, we conclude that there was no just reason for shifting the bridge from the original site to the side of the existing bridge.

3. We, accordingly, direct construction of the bridge at the original site by the side of the hospital. We make it clear that in the matter of construction of the bridge, every effort must be taken to ensure that either the construction or subsequent use of the bridge, does not affect the day-to-day usual functioning of the hospital. In as much as the sanction for construction of the bridge has been accorded long time back, we direct that the construction of the bridge be commenced as quickly as possible, but not later than three months from the date of service of a copy of this order upon Respondent No. 3.

4. This disposes of the writ petition.