



\$~44

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 12940/2022

SENIOR CITIZEN FORUM FOR ENVIRONMENT Petitioner

Through: Ms. Nidhi, Adv.

versus

NATIONAL HIGHWAY AUTHORITY OF
INDIA AND ORS

..... Respondents

Through: Mr. A.P. Singh and Ms. Ashada
Mujwar, Advs. for NHAI
Mr. Nirvikar Verma and Mr. Amit
Acharya, Advs. for UOI

CORAM:

HON'BLE MR. JUSTICE YASHWANT VARMA

ORDER

%

13.10.2022

The sole grievance which is raised in the instant writ petition is the asserted failure on the part of the **National Highway Authority of India [NHAI]** to take further steps in terms of its communication of 22 April 2022. That communication essentially took note of the grievance raised by the residents of Village Khampur for construction of a **Foot Over Bridge [“FOB”]** to enable pedestrian traffic to cross from one side to the other of an Access-Controlled Expressway. The earlier entry and exit points which were being used by the petitioner had come to be blocked on account of the eight laning work which was undertaken on a section of NH-44 falling between Mukarba Chowk to Panipat.

Learned counsel appearing for NHAI states it had upon due



assessment come to conclude that the construction of a FOB was warranted in light of the location of the particular spot, the traffic density in the area and the imperatives and feasibility of that measure being adopted. It was submitted that the communication of 22 April 2022 was based upon a holistic examination undertaken by NHAI bearing in mind all relevant and germane factors that would apply and upon the authority coming to conclude that not only was the installation of the FOB merited, it would also not impede or interfere with the free flow of vehicular traffic over the access controlled expressway. NHAI is also stated to have assessed and taken into consideration the safety aspects connected with the installation of the FOB at that particular location.

In view of the above, NHAI submits that it stands by its decision as embodied in the letter dated 22 April 2022. Learned counsel for NHAI further submits that the FOB is presently under fabrication. According to learned counsel that work is likely to be completed in the next 2-3 months whereafter the FOB will be duly installed.

In view of the aforesaid, let the petition be again called upon on 27.02.2023 to review progress.

YASHWANT VARMA, J.

OCTOBER 13, 2022
rsk