



IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Sr. No.126

CWP-25779-2025

Date of decision : 10.09.2025

Swatantar Kumar

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MS. JUSTICE LAPITA BANERJI

Present : Mr. Onkar Singh, Advocate, for the petitioner.
Mr. Shekhar Verma, Addl. A. G., Punjab.
Ms. Neha Sharma, Advocate, Senior Panel Counsel,
for UOI-respondents No. 2 to 5.

* * * * *

DEEPAK SIBAL, J. (Oral)

1. Through the instant petition, the petitioner seeks to restrain the respondents from constructing an underpass beneath a railway line adjacent to the petitioner's shop on the ground that the said underpass completely blocks ingress to the petitioner's shop.

2. Learned counsel appearing for the respondent-Northern Railways has produced before us the record with regard to the construction of the underpass in question.

A perusal of the produced record reveals that the underpass in question is not being constructed adjoining to the petitioner's shop; the construction of the underpass does not directly affect the petitioner's shop because on completion of the construction of the underpass there will still remain a distance of at least 4 feet between the edge of the underpass and the front of the petitioner's shop; the petitioner's shop has an additional opening on the other side of his shop which runs parallel to the railway track; such opening directly connects the petitioner's shop to the approach road of the village through a 12 feet path which is



sufficient for the petitioner to conduct his business; the petitioner's shop was constructed two years ago but till date the same has remained non-operational; 30% of the construction work of the underpass in question stands completed and that if construction of the underpass is halted then not only would the Northern Railways be put to loss, the same would adversely affect the inhabitants of at least twenty villages for the convenience of whom this underpass is being constructed.

Alongwith the record, a site plan was also produced by learned counsel for the Northern Railways. Such site plan is also found to be in line with the afore referred record.

3. In the light of the above, we are of the view that the acceptance of the petitioner's prayer would be against public interest as it would cause a huge loss to the Northern Railways and would also adversely affect the inhabitants of the adjoining twenty villages for whose convenience the underpass in question is being constructed. A perusal of the site plan and the record produced by learned counsel for the Northern Railways further reveals that even after the construction of the underpass the petitioner's shop, which has remained un-operational for the last two years, when opened would have reasonable access for conducting of business.

4. Dismissed.

[DEEPAK SIBAL]
JUDGE

10.09.2025

shamsher

[LAPITA BANERJI]
JUDGE

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No