

ITEM NO.1

COURT NO.7

SECTION PIL(W)

S U P R E M E C O U R T O F
R E C O R D O F P R O C E E D I N G S

I N D I A

WRIT PETITION (CIVIL) NO. 761/2014

AJAY GAUTAM

PETITIONER(S)

VERSUS

UNION OF INDIA AND ANR.

RESPONDENT(S)

Date : 26/02/2016 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For parties (s)

Mr. Dinesh Dwivedi Sr. Adv. (A.C.)
Mr. K. K. Mohan (A.C), AOR
Mr. Yasharth Kant, Adv.
Mr. Krishnan Misra, Adv.
Mr. Nishant S., Adv.
Mr. Manish Srivastav, Adv.

Ms. Kiran Suri, Sr. Adv.
Mr. C.S. Razdan, Adv.
Mr. T.N. Razdan, Adv.
Mr. Shalinder Saini, Adv.
Mr. Shalindra Sharma, Adv.
Mr. Shreekant N. Terdal, Adv.UPON hearing the counsel the Court made the following
O R D E RThe writ petition shall stand disposed of in terms
of the signed order.[VINOD LAKHINA]
COURT MASTER[ASHA SONI]
COURT MASTER

Signature Not Verified

Digitally signed by
VINOD LAKHINA
Date: 2016.02.26
16:26:23 IST
Reason:

[SIGNED ORDER IS PLACED ON THE FILE]

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
WRIT PETITION (CIVIL) NO. 761/2014

AJAY GAUTAM

...PETITIONER

VERSUS

UNION OF INDIA AND ANR.

...RESPONDENTS

ORDER

1. This petition under Article 32 of the Constitution of India has been filed seeking the following reliefs:

- (a) Issue appropriate writ and directions in the nature of mandamus to both the respondents to make ensure the safety of the children's on unmanned railway crossings. As well as on roads since the children's being adolescent is vulnerable road users, globally, there are special rules & regulations for the protection of children.
- (b) Directions may be issued to both respondents to take steps to completely eliminate the unmanned railway crossings and in the meantime make

provisions to ensure proper safety of commuters who cross those crossings.

- (c) Further directions may be issued to both the respondents for making proper arrangements, to ensure proper and prompt emergency medical care for accidents victims as the delay in the same has fatal results.
- (d) Pass such other and further order/s as may deem fit and proper in the facts and circumstances of the case.

2. The matter has remain pending before this Court for a considerable period of time. During this period the Ministry of Railways, by means of affidavit filed from time to time, has apprised the Court of its response in the matter and the steps taken by it to tackle the problem of accidents resulting in deaths occurring in unmanned level crossings that are spread

out all over the country.

In the affidavit

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dated 1st September, 2015 filed on 4th

September, 2015, the Ministry of Railways

has indicated in detail the number of

unmanned level crossings in the country and

the rate at which the conversion of such

unmanned level crossings are being made.

In the said affidavit, the Union has also

indicated a time period within which it

hopes to resolve the issue.

The aforesaid

time limit though may appear to be a little

long, the Court will have to view the same

in the context of financial outlay that

would be required to bring the problem to a

reasonable solution.

3. Having considered the matter and

particularly the affidavit dated 1st

September, 2015, we are of the view that

the Union of India is fully conscious of

the need to tackle the problem highlighted

in the writ petition and has also taken

steps in this regard.

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4. In the above circumstances, we are

of the view that this matter need not be

pursued any further. We, therefore, close

the writ petition with the direction that

the Union of India would act in terms of

what has been stated in its affidavit dated

1st September, 2015 and will take every

steps to expedite the process.

Beyond the

above, we do not consider necessary to

issue any directions.

5. The writ petition shall stand disposed of in the above terms.

.....,J.
(RANJAN GOGOI)

.....,J.
(PRAFULLA C. PANT)

NEW DELHI
FEBRUARY 26, 2016