

ITEM NO.1

COURT NO.7

SECTION PIL(W)

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

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 R

The writ petition shall stand disposed of in terms
of the signed order.

[VINOD LAKHINA]
COURT MASTER

[ASHA SONI]
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]

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

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.

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