

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSWRIT PETITION (CIVIL) NO(S).295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. & ORS.

Respondent(s)

[MR. GAURAV AGRAWAL, SENIOR ADVOCATE IS AMICUS CURIAE][ONLY IA Nos. 43519 OF 2024, 119142 OF 2024 AND 50798 OF 2025 ARE LISTED UNDER THIS ITEM AND THIS ITEM IS TO BE TAKEN UP AT 12:00 NOON.]

(IA No. 50798/2025 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 119142/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION AND IA No. 43519/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION)

Date : 14-05-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE UJJAL BHUYAN

Mr. Gaurav Agrawal, Sr. Adv. (A.C.)
Mr. Ravi Raghunath, AOR
Mr. Manan Daga, Adv.
Ms. Kaarunya Lakshmi, Adv.
Ms. Sejal Jain, Adv.
Mr. Karan Singh, Adv.

For Petitioner(s): Mr. Krishna Kumar, AOR
Mr. Vinodh Kanna B, Adv.

For Respondent(s): Mr. Vikramjit Banerjee, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. T S Sabrish, Adv.
Mr. Debojit Borkakati, Adv.
Ms. Tusharika Sharma, Adv.

Mr. Kishan Chand Jain, Adv.
Mr. Rajesh Kumar, Adv.
Mr. Ashwini Kumar, Adv.
Mr. Sidhant Sahay, Adv.
Mr. E. C. Agrawala, AOR

Mr. Vikramjit Banerjee, A.S.G.
Mr. Sharath Nambiar, Adv.
Mr. B.K. Satija, Adv.
Mr. T.S. Sabarish, Adv.

Mr. Debojit Borkakati, Adv.
Mr. Sudarshan Lamba, AOR

Mr. Viresh B. Saharya, AOR

Ms. Prerna Mehta, AOR

Mr. Sunny Choudhary, AOR

Mr. Nitin Lonkar, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR

Mr. Guntur Pramod Kumar, AOR
Ms. Prerna Singh, Adv.
Mr. Gautam Bhatia, Adv.
Mr. Dhruv Yadav, Adv.

Mr. V. N. Raghupathy, AOR
Mr. Raghavendra M. Kulkarni, Adv.

Mr. Nishe Rajen Shonker, AOR
Ms. Anu K Joy, Adv.
Mr. Alim Anvar, Adv.
Mr. Santhosh K, Adv.

Mr. Vikramjit Banerjee, A.S.G.
Mr. Mrinal Elkar Mazumdar, Adv.
Mr. Neeraj Kumar Sharma, Adv.
Ms. Indira Bhakar, Adv.
Mr. Mukesh Kumar Verma, Adv.
Mr. Harish Pandey, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Varun Chugh, Adv.
Mr. Bhuvan Kapur, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Mr. Apoorv Kurup, Adv.
Mr. Shreekant Neelappa Terdal, AOR
Mr. Krishna Kant Dubey, Adv.

Mr. M. P. Vinod, AOR

Mr. Sameer Abhyankar, AOR
Mr. Rahul Kumar, Adv.
Mr. Aakash Thakur, Adv.

Mr. Azmat Hayat Amanullah, AOR
Ms. Rebecca Mishra, Adv.

Ms. Ruchira Gupta Standing Counsel, Adv.

Ms. Tulika Mukherjee, AOR
Mr. Beenu Sharma, Adv.
Mr. Venkat Narayan, Adv.

Mr. Rajesh Kumar Maurya, Adv.
Baby Rajput, Adv.
Mr. Neeraj Shekhar, AOR
Mrs. Kshama Sharma, Adv.
Mr. Ramendra Vikram Singh, Adv.
Mr. Ujjwal Ashutosh, Adv.

Mr. Subhasish Mohanty, AOR
Mr. Umesh Kumar Shukla, Adv.
Mr. Pritam Singh, Adv.

Mr. Vivek Kishore, AOR

Mr. Anando Mukherjee, AOR
Mr. Shwetank Singh, Adv.
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Mr. Abbas B, Adv.
Mr. Aman Gautam, Adv.

Mr. Mukesh Kumar Maroria, AOR
Ms. Sunita Sharma, Adv.
Mr. Ishaan Sharma, Adv.
Mr. Annirudh Sharma II, Adv.
Mr. Jagdish Chandra Solanki, Adv.

Mr. Sabarish Subramanian, AOR

M/S. Arputham Aruna And Co, AOR

Ms. Rashmi Nandakumar, AOR
Ms. Yashmita Pandey, Adv.

Mr. Kunal Mimani, AOR
Mr. Tanish Arora, Adv.

Mr. Sumit Gupta, Adv.
Mr. Akshay Tiwari, Adv.
Ms. Tanya Shrotriya, Adv.
Ms. Jaikriti S. Jadeja, AOR

Mr. D. K. Devesh, AOR

Mr. Shuvodeep Roy, AOR
Mr. Deepayan Dutta, Adv.
Mr. Saurabh Tripathi, Adv.

Mr. Divyanshu Kumar Srivastava, AOR
Mr. Saurabh Pandey, Adv.

Ms. Deepanwita Priyanka, AOR
Ms. Priyal Sheth, Adv.
Mr. Prashant Bhagwati, Adv.

Mr. Raghvendra Kumar, AOR

Ms. Devina Sehgal, AOR
Mr. Yatharth Kansal, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR
Mr. Karun Sharma, Adv.
Ms. Anupama Ngangom, Adv.
Ms. Rajkumari Divyasana, Adv.

Mr. Shishir Deshpande, AOR

Mr. Pranaya Kumar Mohapatra, AOR

Mr. V. Shyamohan, AOR

Mr. Sanjay Jain, AOR

Mr. Rajat Bhardwaj, A.A.G.
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Mr. Robin Singh, Adv.
Mr. Kapil Balwani, Adv.
Ms. Tejal Nagauri, Adv.

Mr. Satyajeet Kumar, AOR

Ms. Astha Sharma, AOR

Mr. Shantanu Sagar, AOR
Mr. Anil Kumar, Adv.
Mr. Gunjesh Ranjan, Adv.
Mr. Manoneet Dwivedi, Adv.
Mr. Prakash Kumarmangalam, Adv.
Mr. Abhishek Kumar Gupta, Adv.
Mrs. Divya Mishra, Adv.

Mr. Santosh Kumar-I, AOR

Ms. Garima Prasad, Sr. A.A.G.
Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.

Mr. Suraj Singh, Adv.

Ms. Swati Ghildiyal, AOR
Ms. Neha Singh, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.K. Nayak, Adv.

UPON hearing the counsel the Court made the following
O R D E R

IA No. 50798/2025 (APPROPRIATE ORDERS/DIRECTIONS)

1. A very important issue has been raised by the applicant by way of this Application. The issue is about the safety of pedestrians. The applicant has pointed out that (i) it is necessary to have proper footways or footpaths for the use of citizens; (ii) the footpaths should be such that the same are accessible and usable by persons with disability; and (iii) removal of encroachments on the footpaths is mandatory.

2. Right from the decision of this Court in the case of *Olga Tellis & Ors. vs. Bombay Municipal Corporation & Ors.*¹, this Court has recognized that the right of pedestrians to use footpaths or footways is guaranteed under Article 21 of the Constitution of India. The right to have footpaths or footways which are in good condition is certainly an essential part of Article 21 of the Constitution of India.

3. If there is no provision made for proper footpaths or footways, the pedestrians will be forced to walk on the roads which will pose danger and which may lead to accidents.

4. The question is how would States and local authorities protect this fundamental right of the pedestrians to have footpaths and

1 (1985) 3 SCC 545

footways in proper condition without any obstruction and which are disabled-friendly. The applicant has relied upon a number of reports. According to us, safety of the pedestrians is of utmost importance and, therefore, it follows that by the side of all public roads, there must be proper facility of footpaths or footways with special emphasis on user-friendly to persons with disabilities. On this aspect, directions have been issued in detail by the High Court of Bombay in the case of *High Court on its own Motion vs. State of Maharashtra & Ors.*² and the High Court of Karnataka in the case of *D.S. Ramachandra Reddy vs. The Commissioner of Police, Bangalore & Ors.*³. The States will have to evolve their own policies for ensuring that proper footpaths and footways are available for the benefit of the pedestrians. We, therefore, direct all the States and Union Territories to come out with guidelines in terms of the directions issued by the High Courts as mentioned above. The applicant has relied upon the standards fixed by the Indian Roads Congress (IRC) and other documents. We direct the States and the Union Territories to file compliance reports within a period of two months from today. We also direct the Union of India to place on record the policies/guidelines issued by it on the subject of protecting the rights of the pedestrians. We grant time of two months to the Union of India to file a compliance report. The compliance reports shall be forwarded to the office of the learned Amicus Curiae so that he will be able to assist the Court.

2 2018 SCC OnLine Bom 21221

3 2021 SCC OnLine Kar 12223

5. List on 1st August, 2025.

IA No. 43519/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

6. In terms of the order dated 17th April, 2025 passed by this Court, the Government of India has filed an affidavit seeking time of 09 months to constitute the National Road Safety Board. We fail to understand why the Government of India needs such a long time to implement Section 215B of the Motor Vehicles Act, 1988. We grant time of 06 months from today to the Government of India to ensure that the National Road Safety Board is constituted. No further time shall be granted.

IA No. 119142/2024 (PERMISSION TO FILE APPLICATION FOR DIRECTION)

7. Finally we grant time of six weeks to the State of Uttar Pradesh to respond in terms of the order dated 17th April, 2025. No further time shall be granted.

8. List on 1st August, 2025.

9. Before we part with this order, we record our appreciation for the assistance rendered by Shri Gaurav Agrawal, learned Senior Advocate appointed as Amicus Curiae and Shri Ravi Raghunath, learned Advocate-on-Record, assisting the learned Amicus Curiae. We hope and trust that they will continue to render assistance to this Court.

(ASHISH KONDLE)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)