

ITEM NO.13

COURT NO.5

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(s)(Civil) No.538 of 2020

SUDHIR JAIN

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 48032/2021 - DELETING THE NAME OF PETITIONER/RESPONDENT
IA No. 52894/2020 - EXEMPTION FROM FILING O.T.
IA No. 128195/2020 - INTERVENTION/IMPLEADMENT)

Date : 03-11-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Puneet Jain, Adv.
Mr. Yogit Kamat, Adv.
Ms. Akriti Sharma, Adv.
Ms. Christi Jain, AOR

For Respondent(s) Mr. Sanjay Jain, ASG (NP)
Mr. Akshay Nain, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Padmesh Mishra, Adv. (NP)
Ms. Tanya Aggarwal, Adv.
Mr. Anukalp Jain, Adv. (NP)
Mr. Raj Bahadur Yadav, AOR (NP)

Mr. Akshay Amritanshu, Adv.
Mr. Samyak Jain, Adv.
Mr. Gurmeet Singh Makker, AOR

Mrs. Anil Katiyar, AOR

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

The prayer in this writ petition under Article 32 of the Constitution of India purportedly invoking the public interest litigation jurisdiction which is as follows:-

1. Issue a writ in the nature of a mandamus, order, direction or any other appropriate writ seeking.

2. To lay the foundation of the construction of 'The National Multi-Modal Goods Transport Network System', in the country by developing-

a) The interstate goods transport network system on road to manage supplies from one city to another city but not within the city.

b) The city goods transport network system to provide door-to-door pickup and delivery of the supplies in the city, towns and the villages around the city.

3. To provide land around the transport nodal points to the interstate transport agencies and logistic operators from the country who will build and operate the network by constructing- the interstate transport hubs to manage supplies from one city to another city; the city regional transport depots to manage supplies in the city, towns and villages around the city; and the city nodal transport office to manage deliveries in the city, towns and villages around the city; and from the city to other cities in the country.

4. To communicate the plan of developing, 'The National Multi-Modal Goods Transport Network System', with the association of interstate transport agencies, logistic operators and the general public to take their recommendations and to charter the plan of actions to process the development of the above mentioned network.

5. to pass any other order or such orders as this court may deem fit proper in the interest of justice.

Heard Mr. Puneet Jain, learned counsel appearing on behalf of the petitioner and Ms. Tanya Aggarwal, learned counsel appearing on behalf of the respondent Nos. 1, 2 and 3. The respondent Nos. 1, 2 and 3 are as follow:-

1. The Union of India
The Prime Minister through its Chief Secretary,
Cabinet Secretariat, Rashtrapati Bhawan, New Delhi
2. The Vice Chairperson
The National Institution for Transforming India
(Niti Aayog), New Delhi-110001
3. The Minister through the Secretary,
The Ministry of Road Transport and Highways
Transport Bhawan, 1, Parliament Street,
New Delhi-110001

Application (I.A. No. 48032/2021) on behalf of Cabinet Secretariat (Respondent No.1) for deletion from the array of parties stands allowed.

An application (I.A.No.128195/2020) for impleadment to implead *Government of India Ministry of Commerce, Department of Commerce (Logistic Division)* as one of respondents in the array of parties. Application for impleadment stands allowed. Cause title be amended accordingly.

It is brought to our notice that the *Ministry of Commerce, Department of Commerce (Logistic Division)* would be the most appropriate body if at all which can make an attempt at addressing the issues which are projected in the writ petition. As far as this Court issuing the directions which are sought for is concerned, we are of the view that no mandamus can be issued, particularly

noticing that the directions sound in the realm of policy apart from allocation of huge resources involved. However at the same time, if benefit accrues to the nation and thereby to the people and in particular people located in the rural areas as claimed by the petitioner then it would indeed conduce to the promotion of the fundamental rights of a common man. That is to say if by putting in place a system of The 'National Multi-Model Goods Transport Network System' providing of logistic infrastructure facilities, transportation of goods is rendered more cost efficient and also people friendly and also foster the concerns towards the environment then it is a matter for the concern authorities to bestow their attention. In such circumstances, while we decline to grant any relief as such, we only direct that *Government of India Ministry of Commerce, Department of Commerce (Logistic Division)* will look into the representation Annexure P-7 which may be treated as a representation addressed to the *Government of India Ministry of Commerce, Department of Commerce (Logistic Division)* and appropriate decision will be taken.

The writ petitions stands disposed of as above.

Pending application(s), if any, stand disposed of.

(JAGDISH KUMAR)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)