

ITEM NO.25+61

COURT NO.1

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 985/2022

VISHAL TIWARI

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

W.P. (Cr1) No(s). 448/2022

(FOR ADMISSION and IA No.171215/2022-EXEMPTION FROM FILING O.T. and IA No.171214/2022-EXEMPTION FROM FILING AFFIDAVIT)

Date : 21-11-2022 This petition was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Petitioner-in-person

Mr. Gopal Sankarnarayanan, Sr. Adv.
Mr. Zeeshan Diwan , AOR
Mr. Shrutanjaya Bhardwaj, Adv.
Mr. Shaunak Dutta, Adv.
Mr. Utkarsh Dave, Adv.

For Respondent(s) Mr. Tushar Mehta, SG
Ms. Deepanwita Priyanka, AOR

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

- 1 This Court is seized of a petition under Article 32 of the Constitution which has been filed in the public interest¹ and a companion petition². The companion

1 Writ Petition (Civil) No 985/2022, *Vishal Tiwari vs Union of India & Ors.*

2 Writ Petition (Civil) No 448/2022, *Chavada Dilipbhai vs The State of Gujarat & Ors.*

petition is by a petitioner whose brother and sister-in-law perished in the Morbi bridge collapse which took place on 30 October 2022. The companion petition seeks an independent investigation by the Central Bureau of Investigation and a determination of a dignified sum of money towards compensation for those who have suffered loss of lives of members of their families in the disaster.

- 2 We have heard Mr Gopal Sankarnarayanan, senior counsel on behalf of the petitioners and Mr Tushar Mehta, Solicitor General of India appearing on behalf of the respondents.
- 3 The Chief Justice of the High Court of Gujarat issued instructions during the course of the recess of the High Court on perusing report in the daily newspapers of 31 October 2022 for registering a suo motu Public Interest Litigation. Following an initial order dated 7 November 2022, the Division Bench of the High Court has heard the proceedings on 15 November 2022 and 16 November 2022 when detailed orders have been passed. The proceedings are now listed before the High Court on 24 November 2022. The High Court is monitoring various aspects of the matter almost on a weekly basis.
- 4 During the course of hearing, Mr. Gopal Sankarnarayanan, senior counsel has highlighted certain facets of the matter which are enumerated below :
 - (i) The need for an independent investigation of acts or omissions which amount to criminal wrong doing;
 - (ii) The need to affix responsibility on officials of the Nagar Palika;
 - (iii) The need to ensure that the agency which was entrusted with the task of maintaining the bridge and its management are held accountable including

but not confined to making arrests in the course of investigation; and

(iv) The award of reasonable compensation to the heirs of those who died as a consequence of the bridge collapse.

5 As many as 141 persons, including 47 children, are reported to have perished in the Morbi bridge collapse. Monitoring the matter would necessitate obtaining periodical responses from the officials of the State and Nagar Palika in order that the Court is apprised of antecedent facts leading to the collapse of the bridge as well as subsequent developments bearing on measures of relief, rehabilitation and compensation. The High Court must also be seized of the need of ensuring a proper regulatory mechanism so that such incidents do not recur.

6 Since the Division Bench presided over by the Chief Justice of the Gujarat High Court has already entertained suo motu proceedings, it is appropriate that further conduct of the proceedings continues to remain with that Division Bench of the High Court.

7 In addition, we are of the view that the High Court should also devote its attention to other aspects of the matter which have been highlighted above.

8 We allow the petitioners either to institute proceedings under Article 226 of the Constitution before the High Court or to intervene in the suo motu proceedings.

9 Should it become necessary at any stage to move this Court at a later date, liberty is granted to the petitioners or to any other aggrieved individual to do so.

10 We dispose of these proceedings, leaving it open to the petitioners to pursue their remedies before the High Court. Since the High Court is already seized of

the suo motu proceedings, we request the High Court to take them up on a periodical basis so that the purpose of underlying the assumption of jurisdiction is duly fulfilled

- 11 The Writ Petitions are accordingly disposed of.
- 12 Pending applications, if any, stand disposed of.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR