

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

CJ & ASKJ:
13.01.2023

ORDER

1. The news item published in 'Deccan Herald', 'The Times of India', 'The Hindu' and other daily newspapers dated 11.01.2023 refer to an unfortunate incident, wherein a lady and her toddler son died as *Namma Metro* pillar structure collapsed in the construction site. There is another news in the daily newspaper 'The New Indian Express' dated 13.01.2023 under the caption 'From above & under: after pillar crash, now sinkhole at Vellarajn Jn'. The daily newspaper 'The Hindu', Bengaluru Edition on 13.01.2023 also has published a news item under the caption 'Post accident, BMRCL to revise guidelines for metro construction'.

2. These news items prompted us to take cognizance of the incidents referred to above, wherein there is unfortunate death of a lady and her toddler son and the pathetic road condition.

3. The issues raised concerns in the interests of public at large namely:

(i) What are the safety measures prescribed for such construction work?

- (ii) Whether such safety measures are a part of the tender document or contract agreement?
- (iii) If such safety measures are not part of the tender document or contract between the parties, whether any attempt is made to set up certain safety measures by way of Government order, notification, etc?
- (iv) If such safety measures are prescribed, what is the mechanism adopted for periodical supervision of the on going construction activity?
- (v) Whether any accountability is fixed either on the contractor agency undertaking the work or the officer concerned supervising the work for failure to maintain safety measures?

4. As these issues referred to above require serious consideration, we deem it appropriate to take cognizance of the issues and direct the Registrar General to file a writ petition seeking necessary action in respect of the above issues referred by us.

5. The State of Karnataka through its Principal Secretary, BMRCL, BBMP, the concerned contractors and any other

responsible relevant authority shall be made as party respondents to the proceedings.

6. The petitions shall be filed and listed at 10.30 a.m. on 31.01.2023.

7. A copy of the petition shall be served to the office of the learned Advocate General, so that the learned Government Advocate can appear and assist the Court. We direct the Registrar (Judicial) to forward a soft copy of the petition at the official email ID of the respondents that the petition will be taken up on 31.01.2023. Shri V. Sreenishi, the learned Additional Government Advocate is present. He formally accepts the notice of the petition which will be listed on 31.01.2023 at 10.30 a.m.

**Sd/-
CHIEF JUSTICE**

**Sd/
JUDGE**

AHB