

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPIL No. 105 of 2021

Himank Saluja **Versus** State of Chhattisgarh

WPIL/127/2021

29/09/2021	Heard Shri Himank Saluja, petitioner in person; Shri V.R. Tiwari, Additional Advocate General with Shri Gagan Tiwari, Dy. Government Advocate for the State; Shri Pankaj Agrawal, Advocate for the Corporation; and Shri Prateek Sharma, Advocate & Shri Raghvendra Pradhan, Advocate appear as <i>amicus curiae</i>. WPIL No.105/2021 is concerning the roads within the limits of Municipal Corporation, Bilaspur, (C.G.) whereas the <i>suo motu</i> WPIL No.127/2021 concern other roads, either State highways or National highways throughout the State, therefore, both the cases need to be heard separately. They are de-linked. <u>WP (PIL) No.105/2021</u> The preliminary inspection report has been filed by learned Amicus Curiae pointing out the condition of roads and the need for repairing/construction of various roads within the limits of Municipal Corporation, Bilaspur (C.G.). Shri V.R. Tiwari, learned Additional Advocate General with Shri Gagan Tiwari, Dy. Government Advocate for the State and Shri Pankaj Agrawal, learned counsel for the respondent Municipal Corporation, Bilaspur (C.G.) submit that all repairing/construction activities on the roads pointed out by the

learned *amicus curiae* has already been undertaken or will shortly be undertaken.

Considering the submission made by Shri V.R. Tiwari, learned Additional Advocate General with Shri Gagan Tiwari, Dy. Government Advocate for the State and Shri Pankaj Agrawal, learned counsel for the Municipal Corporation, Bilaspur, we direct listing of the petition on 28-10-2021.

Before the said date of hearing, learned *amicus curiae* and learned State counsel and learned counsel for the Municipal Corporation, Bilaspur shall submit a joint inspection report about the repairing/construction activities happening on the subject roads.

In the meanwhile, to avoid further accidents and damage to the public, the respondents shall make all possible efforts to fill the pot holes before actual repairing is undertaken.

WP (PIL) No.127/2021

Shri V.R. Tiwari, Additional Advocate General with Shri Gagan Tiwari & Shri Vikram Sharma, Dy. Government Advocates; Shri Sandeep Dubey, Advocate for the Corporation; Shri Ramakant Mishra, Asst. Solicitor General; Shri R.K. Gupta, Standing counsel for Railways (SECR); and Shri Ashutosh Singh Kachwaha, Advocate representing the State Legal Service Authority (S.L.S.A).

Shri Prateek Sharma, learned *amicus curiae* appointed in WPIL No.105/2021 has submitted a list of roads which needs immediate attention of the State Government for undertaking major repairs and construction.

This petition was registered while hearing WPPIL No.105/2021, therefore, the three amicus appointed in the said petition shall also assist the Court as amicus curiae in this petition. In addition, Shri Ashutosh Singh Kachwaha, learned counsel representing State Legal Service Authority (S.L.S.A) shall also assist the Court in the matter.

Let State file status report alongwith photographs of the roads mentioned in the list submitted by learned *amicus curiae*.

State shall also submit a chart of all major roads in the State which needs immediate repairing and reconstruction. In cases where construction of roads is already under way, the chart shall mention the date of commencement of work and the date of completion thereof.

For such roads where no contract for repair/reconstruction has been awarded or even tender process has not begun, the State shall specifically mention the plan which the State Government desires to put in place for repair/reconstruction of roads.

The affidavit as pointed out above, shall be submitted by the National Highway Authority of India (N.H.A.I.) in respect of roads which are within the jurisdiction of the N.H.A.I.

In this *Suo motu* WP(PIL), notice to various Municipal Corporations arrayed from the respondent Nos. 8 to 16 is not required at this stage.

Shri Gagan Tiwari & Shri Vikram Sharma, Dy. Government Advocates assisting Shri V.R. Tiwari, learned Addl. AG would accept notice for the respondent Nos. 1 and 2.

Shri Ramakant Mishra, learned Asst. Solicitor General would accept notice for the respondent No.3.

Registry shall issue notice to the respondent Nos.4 and 6 as per rules. Notices be made returnable within two weeks.

Shri R.K. Gupta, learned Standing counsel for Railways would appear and accept notice for the respondent No.5. SECR.

It is informed that Amrit Mission Yojna is looked after by Municipal Corporation, Bilaspur.

Shri Sandeep Dubey, Advocate who usually appears for the Municipal Corporation, Bilaspur (C.G.) is directed to seek instruction from the respondent No.7.

Post this petition on 22-10-2021.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Rajani Dubey)
Judge