

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPIL No. 127 of 2021In Re. Roads of Chhattisgarh **Versus** State of Chhattisgarh and Others

alongwith

WPIL No. 26 of 2022

17/11/2022	Heard Mr. Rajeev Shrivastava, learned senior counsel, assisted by Mr. Prateek Sharma and Mr. Ashutosh Singh Kacchawaha, learned counsel as <i>Amici Curiae</i>, Mr. Siddharth Dubey, learned counsel for the petitioners in WPIL No. 26 of 2022, Mr. Gagan Tiwari, learned Deputy Government Advocate, appearing for respondents No. 1 & 2 in WPIL No. 127 of 2021 and respondents No. 1 to 6 in WPIL No. 26 of 2022, Ms. Anmol Sharma, learned Central Government Counsel, appearing for respondent No. 3, 4 & 5 in WPIL No. 127 of 2021, Mr. Tushar Dhar Diwan, learned Central Government counsel, appearing for respondent No. 10 in WPIL 26 of 2022, Ms. Pragati Kaushik, learned counsel, appearing for respondent No. 7 in WPIL No. 127 of 2021 and Mr. Pankaj Agrawal, learned counsel, appearing for respondent No. 12 in WPIL No. 127 of 2021 and respondent No. 7 in WPIL No. 26 of 2022 and Mr. Yogesh Chandra Sharma, learned counsel, appearing for the intervenor.

In the intervention application, the intervenor is highlighting the deplorable condition of the road from Koshmidih Mod to villasge Koshmidih, situated in Tehsil Masturi, District Bilaspur.

The intervention application, registered as I.A. No. 9 of 2022 filed by Smt. Reshmi Tandan to intervene in WP(PIL) No. 127 of 2021, is accepted.

I.A. No. 9 of 2022 is kept on record and the intervenor will be heard in the proceedings.

Copy of the intervention application shall be furnished to the learned counsel for the respondents within a period of seven days from today.

Mr. Gagan Tiwari, learned Deputy Government Advocate, will file an appropriate affidavit in connection with the aforesaid road, namely, Koshmidih Mod to village Koshmidih, situated in Tehsil Masturi, District Bilaspur within a period of three weeks from today.

In the order dated 19.10.2022, it was recorded that seven major accidents, besides many other minor accidents, had taken place in Sendri Junction and because of the earlier order of this Court dated 28.09.2022, a Safety Consultant was asked to review the location.

Mr. Prasun Bhaduri, learned counsel appearing for National

Highway Authority of India (NHAI), submits that he has filed an application, which is dated 17.11.2022 for taking Safety Consultant Report on record. At paragraphs 6 & 7 of the said report, which is in connection with Sendri Junction, it noted as follows :

“6. As per Black Spot definition, Black spot is a stretch of National Highway of about 500 mt. in length in which either 5 road accidents (in all three years put together involving fatalities / grievous injuries) took place during last 3 calendar years or 10 fatalities (in all three years put together) took place during last three calendar years.

7. “Since project road is connecting through National Highway at km 23.180 and junction with National Highway falls under black spot location. Hence, Grade separated structure is recommended by the safety consultant on the junction at km 23.180 in order to make the safe and efficient movement of traffic along the project road.”

Mr. Bhaduri submits that though recommendation is made by the Safety Consultant, final decision has to be taken by the authorities in Headquarter of National Highway Authority at New Delhi.

It is submitted by Mr. Gagan Tiwari that in WP(PIL) No.26 of 2022, which is in connection with Imlichapar to Tarda road via Sarwamangla, an affidavit is filed today.

Mr. Siddharth Dubey, learned counsel appearing for the petitioner prays for some time to obtain instructions.

Mr. Gagan Tiwari further submits that though he had filed an affidavit dated 17.11.2022 in WP(PIL) No. 127 of 2021 in compliance of the order of this Court dated 28.09.2022, the affidavit does not fully satisfy the queries raised by the Court and therefore, he will file a more appropriate affidavit within a period of two weeks from today.

Prayer is allowed.

List this case on 12.12.2022.

It is expected that by then, authorities in Headquarter of National Highway Authority at New Delhi will take appropriate decision with regard to recommendations as noticed herein above.

Sd/-
(Arup Kumar Goswami)
Chief Justice

Sd/-
(Sanjay Agrawal)
Judge