

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 127 of 2021In Re. Roads of Chhattisgarh **Versus** State of Chhattisgarh and others

WPPIL/26/2022 and WPPIL/83/2023

03/04/2024	Heard Mr.Rajeev Shrivastava, learned Senior Advocate assisted by Mr. Ashutosh Singh Kachhawaha and Mr. Prateek Sharma, learned <i>Amici Curiae</i>, Mr. Siddharth Dubey, learned counsel for the petitioner in WPPIL No. 26/2022 and Mr. Yogeshwar Sharma, learned counsel for the petitioner in WPPIL 83/2023. Also heard Mr. Prafull Bharat, learned Advocate General with Yashwant Singh Thakur, learned Additional Advocate General, appearing for the State/respondent Nos. 1 & 2 in WPPIL No. 127 of 2021, respondent Nos. 1 to 6 in WPPIL No. 26/2022 and respondent Nos. 3 to 5 in WPPIL No. 83/2023, Mr.Ramakant Mishra, learned Deputy Solicitor General with Mr. Tushar Dhar Diwan, learned Central Government Counsel, appearing for Union of India/respondent in WPPIL No. 127/2021 & WPPIL No. 183/2023 and for respondent/Railways in WPPIL No. 26/2022, Mr. Prasoon Bhaduri, learned counsel, appearing for respondent No. 4/NHAI in WPPIL No. 127/2021, Mr. Dhiraj Kumar Wankhede, learned counsel, appearing for respondent No.2/NHAI in WPPIL

No.83/2023, Mr.Sandeep Dubey, learned counsel for respondents No.7 & 8 in WPIL No.127/2021, Mr. Krishna Tandon, learned counsel, appearing for CSPDCL / respondent No. 6 in WPIL No. 127/2021 and respondent No.11 in WPIL No. 26/2022, Mr. Aditya Kumar Mishra, learned counsel holding the brief of Mr.Ishan Verma, learned counsel, appearing for respondent No.9 in WPIL No. 26/2022, Mr. Pankaj Agrawal & Mr.Rakshit Tiwari, learned counsel, appearing for respondent Nos. 2 and 7 in WPIL No. 26/2022.

WPIL No. 127/2021 :

We have perused the affidavit filed by Dr.Kamalpreet Singh, Secretary, Department of Public Works, Government of Chhattisgarh on 26.03.2024 in compliance of the Court's order dated 19.02.2024 which states as under:-

“1. That, vide order dated 05.03.2024 the Hon'ble Court was pleaded to direct the Secretary concerned to ensure that no stray cattle / cow shall be found on the road between Dhaneli to Mandir Hasoud and Vidhansabha Road Raipur approaching the Swami Vivekanand Airport and further the road should also be properly repaired and maintained so that the persons who are traveling on the said road in day or night shall not meet with any unfortunate incident which may cause loss to life.

	2. That, in compliance of the directions issued by the Hon'ble Court on 05.03.2024 the appropriate authority has submitted their action taken report before the Chief Engineer. National Highway Zone, Public Works Department, Raipur. That according to the report submitted the total length of the road mentioned in order dated 05.03.2024 is 17.2 kms which is divided into two parts i.e. (1) from village Dhaneli to village Saddu which is 9.5 kms in length and is maintained by the National Highway, Division Raipur and (2) Saddu Vidhansabha to village Jora which is 7.7 kms in length and is maintained by the Public Works Department, Division No.3, Raipur. 3. That, in the road from village Dhaneli to village Saddu patch repair work has been completed and the work of road marking and central lining marking is also completed. In the Rail Overbridge situated in village Tekari repairs of electrification has been completed and now the overbridge stands fully lighted. 4. That, the following works are proposed on the road from village Dhaneli to village Saddu: A. A contract for short term maintenance of the road has been entered into and the work is soon to commence. B. A DPR is purposed to be prepared for strengthening of the road and the same has been included in the budged for the year 2024-25. C. For Railway Overbridge situated at village Tekari notice inviting tender has been issued for a wearing-coat
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repairing, painting of the railing, etc.

5. For the road from Saddu to Vidhansabha road which is a four lane road, Bitumen patch repairing has been completed in the December, 2023.

6. The following works are proposed on the said road:

A. A strengthening work of 22.99 crores has been sanctioned on 14.03.2024. A notice inviting tender is in progress.

B. Metal Crash Barrier and Cow Catcher, Street light, etc. has been included in the budget of 2024-25 for which sanction is awaited. The work will commence soon after the sanction is granted.

A copy of report submitted before the Chief Engineer, Public Works Department, National Highway Zone, Raipur on 15.03.2024 is filed herewith as Annexure X-1. A copy of sanction of 2298.69 lacs for strengthening of the road Jora-Saddu-Dhanali by-pass dated 14.03.2024 is filed herewith as Annexure X-2."

Learned Advocate General appearing for the respondent-State has pointed out towards the letter dated 14.03.2024 (Annexure X-2) and the letter dated 15.03.2024, a copy of which has been annexed on page 5 along with the affidavit filed today in which in para 3 it is stated that the amount in question to the tune of Rs.2298.69 lacs has been sanctioned by the State Government for built up a new road Jora-Saddu-Dhanali by-pass and for which

a tender is to be floated, but because of the Code of Conduct tender could not be floated, but considering the fact that condition of the road is also so bad because it is more than 10 years old as it has been pointed out in the said letter, taking into account the great inconvenience is caused to the general public using the said road day and night and to avoid untoward incident which may take place due to its bad condition and also considering that it is important road connecting Bilaspur and Raipur city, in the public interest, we deem it proper that the tender be issued and process be completed by the State Government in accordance with law and the road shall be constructed by the State Government at the earliest.

The Chief Secretary of the State is directed to take necessary steps in this regard.

Mr.P.K.Bhaduri, learned counsel appearing for the respondent-NHAI has drawn the attention of the Court towards the order passed by this Court on 19.02.2024 in WPPIL No.127/2021.

In reference to the same, Mr.Yashwant Singh Thakur, learned Additional Advocate General for the State prays for and is allowed a week's time to seek necessary instructions.

It has also been noticed that street lights and cattles are still found in the night on the highway which endangers the life of the

cattles as well as passers by who are using the road, street lights are not burn and there is pitch dark and the people have to travel in the dark risking their life and property.

Shri Wankhede, learned counsel appearing for respondent-NHAI in WPPIL No.83/2023 ensures the Court that the lights on the National Highway would be put in order and also ensures that cattles found sitting on the National Highway in the night will also be taken care of and will be removed.

List these matters again in the next week.

The learned State Counsel is directed to send a copy of this order to the Chief Secretary of the State for necessary information and compliance.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice