

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 127 of 2021

In Re. Roads of Chhattisgarh **Versus** State of Chhattisgarh And Others

WPPIL/26/2022,WPPIL/83/2023,

02.07.2024	Mr. Rajeev Shrivastava, learned Senior Advocate, Mr. Prateek Sharma, Mr. Sourabh Shukla, learned counsel, on behalf of Mr. A.S.Kachhwaha, learned Amici Curiae, Mr. Siddharth Dubey, learned counsel for the petitioner. Also heard Mr. Y.S.Thakur, learned Additional Advocate General for the State, Mr. Ramakant Mishra, learned Deputy Solicitor General for the Union of India, Mr. Dheeraj K. Wankhede, learned counsel for the NHAI, Mr. Aditya Kumar Mishra on behalf of Mr. Ishan Verma, Mr. Sandeep Dubey and Ms. Pragati Kaushik, Manas Vajpai, Mr. Vernit Tripathi on behalf of Mr. Varun Sharma, learned counsel for the respective respondents. Also heard Ms. Palak Dwivedi, on behalf of Ms. Ruchi Nagar, learned counsel for the Intervenor. In compliance of the order passed by this Court on 03.04.2024, the Chief Secretary of the State has filed his affidavit which is as under:

1. At the outset, the deponent tender his unconditional apology for any act or omission if found by the Hon'ble Court. The deponent submits that he has high regards towards the majesty of this Hon'ble Court and the orders passed by this Hon'ble Court and he cannot even think to disobey the order passed by this Hon'ble Court.

2. That immediate after the order dated 03.04.2024 in WP(PIL) No. 58/2019 & 63/2019 the deponent had called a meeting of the committee constituted by Hon'ble High Court for addressing accidents owing to stray animals on the roads. In this meeting inter alia certain key stretches of roads were identified for special focus by designated department of the state. A copy of the minutes of the meeting is filed herewith as Annexure D-1.

3. It is most humbly submitted by the deponent that the Technical Bid of the tender of contract for strengthening of road Jora-Saddu-Dhaneli (Lenth 7.50 km) by-pass has been opened on 08.06.2024 and the Financial Bid has been opened on 21.06.2024.

4. That, after opening the bids and completion of procedure, tender has been awarded to the lowest bidder vide order dated 27.06.2024. Copy of order dated 27.06.2024 is filed herewith as Annexure D-2. It is submitted that as per the procedure, 15 days has

been granted to the Contractor for depositing Additional Performance Security (APS). After depositing the Additional Performance Security, the work order will be issued in favor of the Contractor.

5. It is further respectfully submitted that for Mental Crush Barrier, Cow-catcher and Street Light, as estimate of Rs. 940.31 lacs has been sent to the Finance Department, Government of Chhattisgarh on 27.06.2024, for which the Finance Department, Government of Chhattisgarh has issued Administrative Approval of Rs. 869.10 Lacs. Copy of approval dated 27.06.2024 is filed herewith as Annexure D-3.

6. It is humbly submitted that second part of Jora Saddu Dhaneli by-pass (Lenth 9.50 km), on 15.03.2024 work order of STMC (Short Term Maintenance Contract) has been issued for maintenance of road, road making, singboards for a period of one year. Under the said contract, the work of removing the stray cattle from the road is also included. Copy of work order dated 15.03.2024 is filed as Annexure D-4.

7. That, in Tekari Railway Over-bridge (R.O.B.) situated on the said road, for new wearing coat, after tender processing work order dated 07.06.2024 has been issued and the contractor has already started the work. It is further submitted that in Tekari R.O.B. new

Street Lights have also been established which are functioning properly in the night.

8. It is humbly submitted that the work of strengthening of road from Dhaneli Chowk to Nardaha Chowk (10.90 Km) has been included in the Yearly Work Programme 2024-2025 of Government of India, Ministry of Road, Transport and Highway and for that purpose an estimate of Rs. 44.04 crores has been prepared by the Chief Engineer, Public Works Department, National Highway, Raipur and on 14.06.2024 sent to Regional Officer, Government of India, Road, Transport and Highway, Raipur. It is further submitted that in the said estimate for lighting in the Dhaneli-Vidhansabha road proposal of Rs. 378.17 lacs has also been included. Copy of the letter dated 21.06.2024 is field herewith as Annexure D-5.

It is stated that so far as the strengthening of the road is concerned, tender has been allotted to the lowest bidder on 27.06.2024 and 15 days time has been granted to the contractor for depositing additional performance security. As soon as the same is deposited, the work order will be issued. Further, it has been stated in the affidavit that certain measures have been taken for the metal crush, cow catchers and funds have also been allocated also by the Finance Department on 27.06.2024 for which administrative

approval for Rs. 869.10 lacs. Copy of the same has also been annexed along with the affidavit. Further, with respect to the bypass of Jora-Saddu-Dhaneli, work order has been issued for maintenance of road, road markings, signboards for a period of one year and further under the said contract, the work of removing stray cattle is also included. The Tekari Railway over-bridge situated on the said road, for new wearing coat, new street lights have also been established which are functioning properly in the night.

In view of the affidavit filed by the Chief Secretary we hope and trust that the averments which have been made in the affidavit filed today should be carried out in its letter and spirit.

Another affidavit has also been filed by the Sub Divisional Officer (Revenue), Bilaspur, on 21.06.2024, wherein it has been stated that the Project Director has sought correction and amendment in the award dated 18.04.2024 pointing out some discrepancies in Khasra numbers of the land and the shortcomings which have been pointed by the NHAI, were pointed, Shri Bhaduri states that there was no allegations made against the State and some discrepancies were pointed out and there was no award with respect to village Nirtu and the same has already been and the

same has already been which has been passed on 07.06.2024 by the Competent Authority. NHA is on the task of verification of the project in question and the needful would be done very shortly. For ready reference, the affidavit sworn by the SDO(R), Bilaspur, is quoted herein below:

1. That, in the course of hearing dated 11.06.2024 the learned counsel appearing on behalf of National Highway Authority of India submitted a communication has been sent by the Project Director, Project Implementation Unit, Bilaspur to the Competent Authority and Sub Divisional Officer (Revenue), Bilaspur pointing out discrepancies in the Award dated 18.04.2024. The Project Director has sought for correction/amendment in the Award dated 18.04.2024 pointing out discrepancies in Khasra numbers of the land.

2. That, on receipt of letter dated 03.06.2024 from the Project Director, Project Implementation Unit, Bilaspur, the Competent Authority/ Sub Divisional Officer (Revenue), Bilaspur has vide letter dated 12.06.2024 replied to the objection raised. The Competent Authority has given details of division of khasra numbers. The Competent Authority has submitted reply against each objection. There is no discrepancy in the Award dated 18.04.2024 and the same is in accordance with the

available revenue record and drawing sheets provided by the Sub Division Officer, Public Works Department, Bilaspur. Copy of the letter dated 12.06.2024 is filed as Annexure X-1.

3. It is respectfully submitted that the award relating to land acquisition in village Nirtu has been passed on 07.06.2024 by the Competent Authority/Sub Divisional Officer (Revenue), Bilaspur under Section 3(G) of the National Highway Act., 1956. A copy of Award dated 07.06.2024 is filed as Annexure X-2. Copy of award has been sent to the Project Director, National Highway Authority of India on 07.06.2024 for deposit and payment of award.

In view of the same, let the matter be again listed on 29.07.2024 for further monitoring.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice