



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPIL No. 127 of 2021

In Re. Roads of Chhattisgarh **Versus** State of Chhattisgarh and Ors.

WPIL/26/2022 and WPIL/83/2023

Order Sheet

03/10/2024	Mr. Rajeev Shrivastava, learned Senior Advocate, Mr. Prashant Singh on behalf of Mr. Prateek Sharma, Mr. A.S. Kachhwaha, learned Amici Curiae, Mr. Siddharth Dubey, learned counsel for the petitioner in WPIL No. 26/2022. Also heard Mr. Y.S.Thakur, learned Additional Advocate General for the State, Mr. Tushar Dhar Diwan, learned Central Government Counsel, appearing for Union of India/Respondent No.1 in WPIL No. 127/2021 and WPIL No. 83/2023 and for respondent No.10 (Railways) in WPIL No. 26/2022, Mr. Dheeraj Kumar Wankhede, learned counsel for the NHAI, Mr. Sandeep

Dubey, learned counsel, appearing for respondent Nos. 7 & 8 in WPPIL No. 127/2021, Mr. Krishna Tandon, learned counsel, appearing for respondent No. 6 in WPPIL No. 127/2021 and respondent No.11 in WPPIL No. 26/2022, Mr. Ishan Verma, learned counsel, appearing for respondent No.9 in WPPIL No. 26/2022 and Mr. Pankaj Singh & Ms. Preeti Yadav, learned counsel, appearing for respondent Nos. 2 & 7 in WPPIL No. 26/2022.

In compliance of the Court's order dated 29.07.2024, NHAI has filed an affidavit, relevant portion of the same is reproduced hereinbelow :

“3. That the notification under Section 3A of the National Highways Act, 1956 dated 31.05.2023 has been issued for acquisition of lands (total area 0.4412 Hectares) for construction of the service roads.

4. That the abovementioned notification issued under Section 3A of NH Act was sent to the Competent Authority enclosed along with a letter dated 03.06.2023. Thereafter, the answering respondent further informed CALA

regarding publication of notification in English and Hindi newspapers as such the Learned CALA may proceed to hear claim/objections and proceed regarding further step as provided under Section 3D of the NH Act, 1956. Copy of notification under Section 3A dated 31.05.2023 is filed herewith as ANNEXURE A.

5. That a notification under Section 3D of the NH Act, 1956 dated 11.08.2023 was issued. Moreover, in order to expedite the process of disbursement of compensation, the answering respondent issued two letters dated 15.12.2023 and 06.01.2024 regarding the same. Copy of notification under Section 3D dated 11.08.2023 along with letters dated 15.12.2023 and 06.01.2024 are collectively filed herewith as ANNEXURE B.

6. That the award dated 18.04.2024 relating to land acquisition in village Sendri has been passed by the Competent Authority and Sub Divisional Officer (Revenue), Bilaspur under Section 3G of the National Highways Act, 1956. Copy of the award dated 18.04.2024 is filed herewith as ANNEXURE C.

7. That the answering respondent issued a Letter of Acceptance dated 29.07.2024 in favour of one M/s. Shree Ram Construction Company wherein it was informed to the latter that the bid for a contract price of Rs. 5,47,25,637/- has been accepted on behalf of NHAI and further the latter has been requested to furnish Performance Security in the form of detailed in Clause 33.2 of ITB for an amount equivalent to Rs. 32,83,538/- (i.e. performance security 3% of contract value additional performance security 3% of contract value). Copy of Letter of Acceptance dated 29.07.2024 is filed herewith as ANNEXURE D.

8. That since the letter of acceptance has already been issued and necessary directions are being issued from time to time by the answering respondent, it is humbly submitted that the construction work would be started at the earliest and project would be completed within a short span of time.

9. That it is humbly submitted that all the effective measures and actions have been taken by the answering respondent to construct the road and substantial progress has already been made.”

It is stated by Mr. Dheeraj Kumar Wankhede, learned counsel, appearing for respondent/NHAI that work order for construction of separate service road at black spot at Sendri by-pass has already been issued and the construction work would be started at the earliest and project would be completed within a short span of time. The NHAI is directed to file an affidavit with respect to progress of work in question.

So far as intervenor's application and the grievance which was taken into account by this Court on 29.07.2024 is concerned, it is stated by Mr. Sandeep Dubey that estimate has already been submitted and sanction is awaited. We hope and trust that sanction would be granted and work order would be issued at the earliest by the concerned authorities. Shri Dubey shall file an affidavit of concerned Municipal Corporation by the next date stating about the progress of the work for construction of the road in question and well as repair of the other roads in the Bilaspur city as it has been noticed that some funds have been granted by the

Central Government recently for the said purpose.

List these matters on **18.11.2024** for monitoring further progress in the matter. Affidavits of NHAI and Municipal Corporation, Bilaspur shall be filed before the next date of hearing.

Sd/-
(**Bibhu Datta Guru**)
Judge

Sd/-
(**Ramesh Sinha**)
Chief Justice