



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 127 of 2021

In Re. Roads Of Chhattisgarh

Versus

State Of Chhattisgarh & Others

alongwith

WPPIL/83/2023 and WPPIL/26/2022

Order Sheet

04/08/2025	Heard Shri A.S. Kachhawaha, Shri Prateek Sharma, learned Amicus Curiae, Shri Rajeev Shrivatava, learned Senior Advocate. Also heard Shri Mr. Prafull. N. Bharat, learned Advocate General along with Mr. Y.S. Thakur, Additional Advocate General, Shri Ramakant Mishra, learned DSGI assisted by Shri Tushar Dhar Diwan, learned CGC, appearing for Union of India in WPPIL No. 127/2021 and WPPIL No. 83/2023 and for Respondent No. 10 (Railways) in WPPIL No. 26/2022, Shri Dheeraj Kumar Wankhede, learned counsel for the NHAI, Shri Rakshit Tiwari and Ms. Preeti Yadav, Advocates on behalf of Shri Pankaj Agrawal for

Respondent no. 7 & 12 in WPPIL NO. 26/2022, Shri Varun Sharma, learned counsel for the respondent no. 6 & 11 in WPPIL No. 26/2022 and Shri Sandeep Dubey, learned counsel for the respondent No. 7 and 8 in WPPIL No. 127/2021.

On the last date of hearing i.e. on 10.07.2025, this Court had directed the NHAI as well as the Union of India were directed to file their respective affidavits and the matter was directed to be listed today.

In compliance of the above order, affidavit has been filed by the respondent No. 4/NHAI. The relevant portion of the affidavit reads as under:-

“3. That, the construction of the Foot Over Bridge (FOB) at five locations along NH 130, specifically Turkadih, Sendri, Ranigaon, Melnadih, and Beltara, has been approved by the Competent Authority of NHAI for 17.95 Cr (Excl. GS). Following this approval, the feasibility of constructing the FOB was jointly assessed on-site with representatives from the Concessionaire and the Independent Engineer in the month of June-2025, in accordance with the Land Acquisition Plan. This assessment took into account the necessity for construction to occur within the available Right of Way (ROW), leading to a revision of the FOB construction cost to 11.38 Crores (excluding GST), based on the actual site conditions that would allow for the structure to be accommodated within the available land.

4. Additionally, during the Bilaspur District Road Safety Committee meeting held on June 17, 2025, the matter of FOB construction was deliberated with officials from the district administration and traffic police. They recommended reviewing the FOB proposal at two locations, namely Sendri and Ranigaon, suggesting the construction of a culvert instead of the FOB. However, the minutes from the District Road Safety meeting dated June 23, 2025, directed that the construction of the FOB to facilitate pedestrian movement at both locations, Ranigaon and Sendri. Copy of the minutes from the District Road Safety meeting dated 23.06.2025 along with Tender Details is filed herewith as ANNEXURE A.

5. Consequently, the tender for the construction of the FOB has already been floated. Upon finalization of the tendering process and appointment of the contractor, the work for the FOB at all five locations will be commenced.

6. That, 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.

7. 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”

The relevant portion of the affidavit filed by the Regional Officer, Ministry of Road Transport and Highways Raipur, in compliance of the order dated 10.07.2025, reads as under:

1. *That, at the outset, it is most humbly submitted that this Hon'ble High Court vide order dated 10.07.2025 directed the Officer In Charge of Ministry of Road Transport and Highways, Government of India to file an affidavit with respect to the latest update regarding Detailed Project Report (DPR) for upgradation of National Highway No. 130-B including the stretch from Dhaneli Chowk to Narhada Chowk, Raipur.*

2. *That, it is most humbly and respectfully submitted that the Detail Project Report (DPR) is under preparation for development of the said stretch, wherein the proposal for development depending upon the availability of land, traffic density and inter-se priority would be considered by Ministry of Road Transport and Highways subsequent to its submission and recommendation by the State Public Works Department (PWD) which is the executing agency for Ministry of Road Transport and Highways for executing civil work as well as DPR preparation.*

3. *It is most humbly and respectfully submitted that the answering respondent has already mentioned in the earlier affidavit that the Ministry of Road Transport and Highways / the*

	<i>State Public Works Department (PWD) have already approved the Inception report and Alignment report.</i> <i>4. It is most humble and respectfully submitted that, the Executive Engineer, NH Division, PWD Raipur (C.G.) vide letter dated 30.07.2025 informed the answering respondent that, at present the mutation of the of the lands lying on the existing alignment, in the name of the President of India, Ministry of Road Transport & Highways, New Delhi is in process which is very important for approval of DPR and to facilitate further project development and administrative processing. A copy of letter dated 30.07.2025 is filed herewith as ANNEXURE R-3/1.</i> <i>5. It is most humbly and respectfully submitted that in this regard, the appointed consultant is actively engaged with the concerned Sub-Divisional Magistrate (SDM) and is consistently pursuing the matter to ensure that the mutation process is completed at the earliest. The mutation is a critical prerequisite for the next stages of the project, as it legally establishes the ownership of land under the Central Government, thereby enabling further technical and financial activities.</i> <i>6. It is most humbly and respectfully submitted that once the mutation is formally completed and duly recorded in the revenue records, a process of detailed verification and confirmation</i>
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of the land parcels, boundaries, and existing site conditions will be undertaken to ensure accuracy and alignment with the approved layout. Based on the verified data, the consultant will then proceed with the preparation of cost estimates, incorporating all technical specifications, scope of work, and applicable rates. These estimates will form the basis for financial planning and budgeting. Following this, the final and comprehensive Detailed Project Report (DPR) will be prepared, which will include engineering designs, estimates, implementation strategy, timelines, and all necessary statutory and technical approvals, forming the foundation for execution of the project in compliance with applicable guidelines and standards.

7. It is most humbly and respectfully submitted that in the stretch from Km 3.200 to Km 4.200, an existing Railway over Bridge (ROB) is situated, which presently facilitates the crossing over the railway line. As part of the proposed improvement and widening of the corridor under the current project, a new Railway over Bridge (ROB) has been proposed on the right-hand side of the existing bridge, as detailed in the approved Detailed Project Report (DPR). This new ROB is planned to accommodate future traffic demand and improve the overall structural and operational efficiency of the corridor. In accordance with the terms and scope of the

contract, the Geo-technical investigation work at the proposed ROB site is currently in progress. The outcome of the Geo-technical investigation is critical to the next stage of planning. Upon finalization and submission of the Geo-technical Report by the appointed consultant, the data and recommendations from the report will be utilized to prepare the General Arrangement Drawing (GAD) for the proposed ROB. This GAD will contain essential design elements, including span arrangement, foundation details, and superstructure type. Upon finalization of the Geo-technical Report, the proposal for the approval of the General Arrangement Drawing (GAD) will be prepared and submitted to the Indian Railways for necessary approval. The entire process is being closely monitored to ensure timely submission and coordination with the railway authorities, in order to avoid any delay in project implementation.

8. It is most humbly and respectfully submitted that the detailed discussion was held with the consultant and concerned officers of the State PWD to review the progress of the land acquisition and implementation process. During the discussion, the project Consultant confirmed that the mutation process will be carried out accurately and without undue delay. Based on this confirmation, it was concluded that immediately upon the completion of the mutation, the issuance of the Section 3(A)

Notification for additional land required if any, under the National Highways Act will be initiated. Hence, following the publication of the 3(A) and 3(D) Notification, the administrative sanction for the project work is expected to be granted by the Competent Authority in the Ministry, within a period of three to four months. Ministry has kept this project for sanction in the 3rd quarter of year 2025-26.

9. It is most humbly and respectfully submitted that the work of Short-Term Maintenance Contract (STMC) were taken up on the stretch from Dhaneli Chowk to Nardaha Chowk in Financial Year 2024-25 and further, Short-Term Maintenance Contract (STMC) proposal for Financial Year 2025-26 has been approved by the Competent Authority in the Ministry of Road Transport and Highways vide letter dated 18.07.2025. The Ministry has approved 21 Nos. of STMC proposal subject to the conditions, wherein the National Highway No. 130B including the stretch from Dhaneli Chowk to Narhada Chowk is also included. Copy of approval letter dated 18.07.2025 is filed herewith as ANNEXURE R-3/2.

10. It is most humbly and respectfully submitted that the STMC works will be sanctioned by the Ministry of Road Transport and Highways based on maintenance requirement so as to keep the National Highway stretches, including the instant stretch under consideration, in the traffic

worthy condition before suitable development work is taken up on these stretches.

11. That, it is most humbly and respectfully submitted that the answering respondent is duty bound for the maintenance of its National Highways and taking all the necessary steps expedite the Short Term Maintenance and thereafter upgradation of National Highway No. 130B from Dhaneli Chowk to Narhada Chowk, Raipur.

12. That, the answering respondent has hereby appraised this Hon'ble High Court regarding road of National Highway No. 130B from Dhaneli Chowk to Narhada Chowk, Raipur, However always pleased to assist the Hon'ble Court further in instant PIL, for this act the answering respondent is always duty bound."

Apart from the affidavits filed as above, with a heavy heart, this Court expresses its concern with respect to the condition of the National Highway from Raipur to Bilaspur where repairs / patch work is being done. The repairs are being done in such a way which is endangering the life and limb of the people and the cattle. Dirt, filth, rubble, construction materials are lying on the National Highways and the NHAI has failed to take note of the situation that animals and people are losing their lives which are being reported regularly in print and electronic media regarding which this Court has taken cognizance time and again. The NHAI

cannot shy away from its responsibility by merely filing affidavits and the impact of the deposition made in the affidavits should be seen on the ground level. The affidavits filed by the NHAI, time and again is not serving the purpose, hence, this Court deems it appropriate to summon the Project Director as well as the Project Manager, NHAI, Project Implementation Unit, Bilaspur, who shall remain present before this Court tomorrow *i.e.* on **05.08.2025**.

The learned State counsel as well as the learned counsel for the NHAI shall communicate this order to the Project Director as well as Project Manager, NHAI, Project Implementation Unit, Bilaspur, forthwith.

Sd/-

(Bibhu Datta Guru)
JUDGE

Sd/-

(Ramesh Sinha)
CHIEF JUSTICE

Amardeep /
Amit