

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 58 of 2019

Sanjay Rajak **Versus** State Of Chhattisgarh

WPPIL/63/2019

05.03.2024	Heard Shri Palash Tiwari and Shri Amit Soni, Advocates for the petitioners. Also heard Shri YS Thakur, Additional Advocate General for the State, Shri Dhiraj Kumar Wankhede, Advocate for the NHAI (National Highway Authority of India), Shri AS Kachhawaha, Ms K Radhika, Ms Chetna Sharma, Shri Ashish Tiwaari, Shri Pankaj Agrawal, and Shri Dinesh Yadav, Advocates for the respective respondents. On the last date of hearing i.e. on 17.01.2024, this Court had passed the following orders: “From perusal of the affidavits as above, it is evident that though the State and its authorities are taking appropriate measures, but still it is being noticed through newspaper and social media reports that road accidents are taking place because of stray cattle. Much more is required to be done at the end of both the State and the NHAI. Mr Thakur as well as Mr Wankhede have ensured the Court that further necessary steps would be taken and monitoring shall be done by the NHAI so that no unfortunate accident takes place

wherein there is a loss of human life and animals. Mr Thakur further ensures that the State authorities and the District Administration would extend their fullest cooperation to the NHAI and all necessary measures would be taken for removal of any kind of anomalies on the National Highways.

List this case again on 28.02.2024 on which date the State shall file an affidavit of the Principal Secretary, Department of Home, with respect to the steps which have been taken by the District Magistrate of the concerned Districts.”

On 28.02.2024, State prayed for time, and thereafter, the matter is listed today for hearing.

Shri YS Thakur, learned Additional Advocate General for the State submits that an Additional Affidavit dated 03.03.2024 has been filed in compliance of the Court order dated 17.01.2024. Said affidavit is solemnly affirmed by Shri Manoj Kumar Pingua, presently posted as Additional Chief Secretary, Department of Home, Government of Chhattisgarh, Mantralaya, Manadi Bhawan, Nawa Raipur, Distt.Raipur.

Contents of the said affidavit are reproduced here below for ready reference:

“1. That, the present petition has been preferred seeking directions and raising grievance with regard to the problem being faced due to stray cattle and animals found on the road and street. That, the matter came

up for hearing on 17.01.2024 and the Hon'ble Court directed the Principal Secretary, Department of Home to file an affidavit with respect to the steps which have been taken by the District Magistrate of the concerned Districts.

2. It is respectfully submitted that in furtherance to orders passed by the Hon'ble Court a virtual meeting for assessment of action taken by the committee constituted in compliance of earlier orders issued by the Hon'ble Court was convened on 05.02.2024.

The meeting was attended by Secretary, Department of Panchayat and Rural Development, Secretary, Department of Animal Husbandry, Additional Director General of Police (Traffic), Chairman, Inter Department Lead Agency (Road Safety), all Divisional Commissioners, Inspector Generals Bilaspur, Surguja, Durg, Regional Officer, NHAI and Regional Officer, Ministry of Road Transport and Highways.

3. That, the Additional Chief Secretary informed the members of the committee about various directions issued by the Hon'ble High Court of Chhattisgarh in respect to presence of stray cattle on road. Despite several efforts, still there are certain stretches on the road where there is presence of stray cattle and it was directed to mark such stretches of the road by the concerned Departments, Divisional Commissioners and District Administration and to nominate officers/ employees on duty to have continuous surveillance of the stretches. It was directed that the officers nominated should maintain of daily diary. The Departments were directed to make coordinated efforts to streamline the system. It was directed that the action should be taken against the owners of the cattle which are regularly seen on the roads. It was directed that in stretches where the cattle are seen regularly a board having helpline phone number should be displayed and whenever a call is received the concerned agency should immediately take action for removal of the

cattle from the road.

4. That, NHAI informed that there are 18 villages where cattle are regularly on the road. NHAI has displayed helpline no. 1033 in such places and for public information the helpline No. 1033 has been displayed through advertisement, banner, poster, pamphlet and also has been displayed in newspapers. An inspection team has been constituted and in case of complaint received it is immediately attended.

5. That, National Highway, PWD has informed that in the National Highways 35 places have been enmarked where stray cattle are regularly present. 135 persons have been put on duty to deal with complaints relating to stray cattle.

6. That, the Home Department (Police) informed that in between 2019 to 2023 there has been 485 road accidents due to stray animals and 344 persons have lost their lives while 104 persons were injured. The Department through its patrolling vehicle is regularly its making announcements for removal of stray cattle. The Additional Chief Secretary has directed that the stern action be taken against the cattle owners in the stretches where the cattle are present on the road.

7. That, the Department of Animal Husbandry has informed that in enmarked areas cattle are being removed from the road and shifted in cow sheds. A tender has been issued for construction of new cow sheds and for extension of the existing once.

8. That, the Panchayat and informed that the Department Rural Department is continuously working on earlier directions issued. 30606 cattle have been shifted to cow sheds and 1087 persons have been imposed with a fine of Rs. 7,77,000/-.

9. That, the Department of Urban Administration informed that in the

month of January 2024 a penalty of 54,226/- has been imposed on cattle owners. It has been informed that there are 808 COW catcher vehicles and there is further requirement of 22 such vehicles. In the month of November 2023 to January 2024, 591 complaints were received in toll free number 1100 out of which 11 complaints are pending.

10. That, the Commissioner, Surguja, Bilaspur and Raipur informed that regular monitoring of stray cattle is being done and the stretches have been enmarked, officers have been nominated and put on duty specially to deal with the issue of stray cattle on the road.

11. That, the Additional Chief Secretary has directed for strict compliance of the instructions and directions issued from time to time. It has been directed that the nominated officers should be put on duty for at least one month. The Officers should submit report on the information received of stray cattle on the road and of its removal. The officers are to arrange for vehicle for removal of stray cattle and for keeping of those stray cattle in specified cow sheds. The Department of Urban Administration and the Department of Panchayat and Rural Development will provide necessary resources for the work for nominated officers. Besides immediate actions there should be long term plan for public awareness for controlling cattle amongst the cattle owners. A copy of minutes of the meeting dated 05.02.2024 is filed herewith as ANNEXURE X-1."

On perusal of the above affidavit, it seems that some mechanism has been adopted by the State for reducing the movement of stray cow/cattle on the roads, National Highways but the mechanism which has been drawn by the State, action plan is yet to be adopted.

We deem it appropriate to adjourn these cases, leaving it open to the State to see that there shall not be any cattle/cow on roads, especially on the Highways and the Roads approaching to the Districts. Further it is also noticed that there are stray cattle/cow sitting day and night on Dhaneli to Mandir Hasaud Road, and Vidhansabha Road-Raipur, approaching to the Swamy Vivekananda Airport-Raipur. The Secretary concerned is directed to ensure that no stray cattle/cow shall be found on the said roads, and further, the roads should be also properly repaired and maintained, so that the persons who are travelling on the said roads in the day and night, should not meet with any unfortunate incident which may cause loss to the life. Action should be taken with the coordination of all stake holders, and with the joint effort of Municipal Corporations and Gram Panchayats. It is not at all possible with the only effort of the State, but the general public should also make their own endeavor to avoid any untoward incident.

List these cases after three weeks.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice