



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPIL No. 58 of 2019

Sanjay Rajak **Versus** State Of Chhattisgarh & Others

alongwith

WPIL/63/2019

Order Sheet

08/04/2025	Proceedings of this matter have been taken through Video Conferencing. Heard Mr. Sunil Otwani and Mr. Palash Tiwari, learned counsel for the respective petitioners, Mr. Y.S.Thakur, Additional Advocate General for the State, Mr. Tushar Dhar Diwan and Ms. Anmol Sharma, learned counsel for the Union of India, Mr. Dheeraj K. Wankhede, learned counsel for the NHAI, Mr. A.S.Kachhwaha, Mr. Bhupendra Singh, Mr. Pankaj Agrawal, Mr. Anuroop Panda, Mr. Manoj Kumar Mishra, Ms. Chetna Sharma, Ms. Sameeksha Gupta, learned counsel for the respective respondents, as well as Mr. Raj Kumar Mishra, in person (through Video Conferencing).

On 10.02.2025, this Court had directed the State authorities to cooperate with the NHAI and the District Magistrate, Bilaspur, Municipal Commissioner, Bilaspur and Inspector General of Police, Bilaspur Range, were directed to ensure that the encroachment which has been done under the Pendridih Bridge is removed at the earliest.

In compliance of the aforesaid order, an affidavit has been filed by the City Superintendent of Police, Chakarbhata, the relevant portion of which reads as under:

“2. That in compliance of the Hon’ble Court’s order dated 10.02.2025, proceedings for removing the encroachment was initiated and the complete encroachment made under the Pendridih Bridge Bilaspur has been removed. Copy of report dated 05.04.2025 submitted by the City Superintendent of Police, Chakarbhata, District Bilaspur (C.G.) alongwith photographs is filed herewith as Annexure D/1.”

From perusal of the aforesaid affidavit and the photographs annexed, it transpires that the illegal encroachments made have been removed by the authorities.

Today, an affidavit has been filed by the Project Director, PIU, Bilaspur, NHAI, the relevant portion of which reads as under:

“2. That, the issue of cattle in this area is abnormal due to large number of cattles which sit and stray on roads/highways. The Cattles are abandoned by their owners and there are paddy crops in agricultural land adjoining to roads/highways due to which cattles find no other better place than roads/Highways to sit/stray. These cattles become safety hazard to traffic and are

also killed in accidents.

3. That, the above matter was listed on 10/02/2025 and on that date this Hon'ble Court has considered the submission made by the learned Advocate General and the Hon'ble Court has also directed the Project Director, National Highway Authority with respect to the NH 130 in order to prevent the accidents in highway because of the movement of the stray animals and also the learned Court has raised concern about the high speed vehicles and the people who are intoxicated while driving and the Court on 10/02/2025 has passed the following order:-

Learned Advocate General states that the SOP which has been uploaded on 21-01-2025 would Commissioner, Bilaspur, I.G., Bilaspur Range shall ensure that encroachment which has been done under the Pendridih bridge shall be removed at the earliest in accordance with law.

Let the matter be again listed on 8th April, 2025.

4. That, in compliance of the Hon'ble Court order, it is respectfully submitted that the answering respondent is the Project Director, posted at Bilaspur and also the Nodal Officer of National Highway Authority of India.

5. That, the answering respondent has also identified the defected PQC Panels and replaced the same as per CRRi Observation. The progress of rectification of defects as per CRRi report for Simga Sargaon Section is 70%. Copy of the report regarding identification of defected PQC Panels replaced as per CRRi Observation along with photographs showing the rectification work of Simga-Sargaon Section are collectively filed herewith and marked as ANNEXURE D/1.

6. That, after the order passed on the last date of hearing the answering respondent have also requested the State machinery to remove the encroachment from the National Highway 130 and therefore, the action has been initiated by the Naib Tehsildar and the eviction notice/warrant has been issued to all the encroachers and they have been directed to remove the encroachment before 04/04/2025. Copy of the eviction notice and photographs are collectively filed herewith and marked as ANNEXURE D/2

7. That, the answering respondent have also ordered to all the persons who are deputed for cattles and are still on duty and they are trying to remove all the cattles which are on road and also following all the orders issued by the State Government for removal of cattles. The answering respondent has requested the State Government to provide shelter for moving cattles and answering respondent is ready to release funds for the same purpose.

8. That, the answering respondent further submits that that answering respondent has included provision of construction of five platforms of 20m 20m size on approach roads between Simga-Bilaspur. Moreover, a proposal for Bamboo fencing at identified location in approx 7 Km on Simga Bilaspur section is under bidding stage.

9. That, it is humbly submitted that as directed by the Hon'ble court all the effective measures and actions have been taken by the answering Respondent National Highway Authority of India with the clasped hand. The action taken by the answering respondent and the reports / photographs enumerating the data, records and actions taken to prevent the menance of cattles on roads is filed herewith."

A news report has been published in Hindi Daily, Haribhoomi on 21.03.2025 with a heading "पेण्डारी में बेकाबू वाहन ने मवेशियों को कुचला, 8 की मौत 3 घायल" wherein some uncontrolled vehicles had caused death of 8 cattle and injured three more. The said news report states that in the village Pendari in the intervening night of 20.03.2025 and 21.03.2025, some unidentified vehicle crushed 8 cattle and injured 3 of them. The police is enquiring into the matter. The photograph of the spot has also been published. The said news report goes to state that stray cattle often sit on the highways which get injured because of the

heavy vehicles and there is no one to check this situation.

In view of the above, the competent authority of the State is directed to file an affidavit with respect to the above news report and inform this Court as to what measures have been taken so as to avoid such incidents, before the next date.

Mr. Otwani has drawn attention of this Court to the order dated 10.02.2025 on which date the learned State counsel had assured this Court that the Standard Operating Procedure (SOP) would be finalised very soon, but the same has not been finalised till date.

Mr. Thakur, submits that the State has called for objections with regard to the draft SOP and he would require some time to seek instructions with regard to the same.

The learned State counsel is directed to bring on record the steps that have been taken by the State with regard to the finalisation of the SOP.

Let these matters be again listed on **28.04.2025** for further monitoring.

Sd/-
(Arvind Kumar Verma)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE

Amit