



# **HIGH COURT OF CHHATTISGARH AT BILASPUR**

## **WPIL No. 58 of 2019**

**SANJAY RAJAK *versus* STATE OF CHHATTISGARH**

## **WPIL/63/2019**

### **Order Sheet**

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| <b>19.08.2025</b> | <p>Heard Mr. Sunil Otwani, learned Senior Counsel assisted by Mr. Amit Soni, learned counsel for the petitioner in WPIL No. 58 of 2019 and Mr. Palash Tiwari, learned counsel for the petitioner in WPIL No.63/2019. Also heard Mr. Yashwant Singh Thakur, learned Additional Advocate General, appearing for the respondents/State, Mr. Dhiraj Kumar Wankhede, learned counsel appearing for respondent/NHAI, Mr. Tushar Dhar Diwan, learned Central Government Counsel, appearing for the respondent/UOI, Ms. Shubhi Rusia holding brief of Dr. Sudeep Agrawal, Ms. Chetna Sharma, Mr. A.S. Kachhawaha, Ms. Harneet Kaur holding brief of Mr.</p> |

Sourabh Sharma, Mr. Avinash K. Mishra, Mr. Ashish Tiwari and Mr. Dhaneshwar Yadav, learned counsel for the respective respondents, Mr. Goutam Khetrapal, learned counsel, appearing for the newly added respondent Gram Panchayat, Pendridih and Mr. Rajkumar Mishra, intervenor in person, appearing through video conferencing.

In compliance of the Court's order dated 31.07.2025, an affidavit has been filed by the Project Director, PIU Korba, National Highway Authority of India, Korba, Chhattisgarh. Operative portion of the said affidavit reads as under :

**“A. Deployment of additional RPV:** *An additional Route Patrolling vehicle is deployed w.e.f. 04.08.2024 for Bilaspur bypass section (from Pendridih to Dheka village, for 20.545 Km on NH 49), totaling 03 nos. for Simga-Sargaon-Bilaspur section of NH 130/49 & the O&M Contractor is directed to increase its patrolling frequency to ensure monitoring of cattle prone location every hour.*

**B. Construction of Cattle platform (20x20**

**m)**: Provision of cattle platform is included in the O&M estimate and a land parcel is also identified near Hardikala & Pendridih village for further execution of works. The O&M Contractor has now initiated the platform construction work in Pendridih village. Additional construction of cattle sheds is also scheduled in Ratanpur and Belmundi village on state government land adjacent to the Bilaspur Pathrapali section of NH 130. The NHAI is collaborating with the district administration and the revenue department, and construction will commence once the land is made available by the state authorities. The cattle sheds will subsequently be transferred to the state authorities for their operation

C. Tender has been called for installation of Bamboo fencing in 7350m length on Simga-Bilaspur section of NH 130/49 to control cattle menace by restricting entry of stray cattle on the Highway. Copy of Tender Details for Installation of Bahu-Bali Bamboo fence (Suraksha Kavach) at 0.5m from the edge of Earthen Shoulder with main intention of controlling the entry of cattle

*from adjacent fields into NH- RoW in 7350 m in Simga-Bilaspur section-Pkg1 and section-Pkg3 are collectively filed herewith as ANNEXURE A.*

*D. That the Toll Plaza team are instructed to make regular announcement and distribute leaflets wherein the road users crossing the toll plaza will be informed for being cautious while travelling on highway & beware from cattle menace. Copy of the photographs wherein the Toll Plaza team are distributing leaflets to the vehicles are filed herewith as ANNEXURE B.*

*E. Additional cautionary Sign boards will be installed for alarming the road users regarding cattle menace on highways. Proposal sent for approval of Competent Authority.*

*F. Labours are being deployed on each identified cattle prone & critical locations in day time & a team of labours are deployed with RPV for removal of cattle menace from highways in night time. Copy of the photographs showing the labours removing cattles from the road are filed herewith as ANNEXURE C.*

*G. Regular Announcements through RPV (Route Patrolling vehicle) & messages on VMS (Variable Message signboards) installed in NH section is being made for alarming road users regarding cattle menace on highways during monsoon season.*

*H. Conducting awareness campaign among nearby villages identified from where cattle enter on Highway were being regularly made in order to curb cattle menace on highways.*

*I. Providing reflective neck belts for cattle on highways to enhance visibility for road users in the event that the cattle wander onto the roadway at night. Copy of the photographs wherein the Toll Plaza team are tying neck belts on cattle are filed herewith as ANNEXURE D.*

*J. Installation of street lights on the cattle identified locations has commenced in Hirri/Hardi and will get completed for other locations in near future.*

*5. That, the Bilaspur Pathrapali Road Private Limited i.e. the Concessionaire*

wrote a letter dated 13.08.2025 to the answering respondent regarding prevention of stray cattle at Project Highway- Reg. wherein the former highlighter the all possible measures undertaken to mitigate the issue and also the reason as to why the issue remains unresolved. The relevant extract of the letter is reproduced below as follows:

"However, despite these consistent and repeated efforts, the issue remains unresolved. The primary reason for this is the non-availability of a permanent and authorized cattle confinement facility in the region. It is important to emphasize that althou this issue does not fall within the contractual scope of the Concessionaire, we have continued to invest significant sources in addressing it, solely in the interest of public safety and uninterrupted highway operations. Unfortunately, this has led to repeated financial losses due to ongoing operational expenses, which are neither contractually mandated nor technically our responsibility.

That, in view of the above, we earnestly request your kind intervention to initiate necessary coordination with the district authorities concerned or any other competent body to facilitate a long-term and effective resolution to this recurring issue. Your support in this matter is crucial to

*ensure the safety of highway users and the preservation of highway infrastructure.*

*A detailed report outlining the actions taken by our team till date is enclosed herewith as Annexure-A for your kind perusal and necessary action."*

*Copy of the letter dated 13.08.2025 along with the detailed report outlining the actions taken by our team till date are collectively filed herewith as ANNEXURE E.*

*6. That, the office of Zila Panchayat, Bilaspur, District Bilaspur, (C.G.) wrote a letter to the answering respondent requesting for grant of Rs. 5,00,000/- (Rupees Five Lakhs) for food and grains of the cattle shifted to the cow shelters in compliance of the order passed by this Hon'ble Court in WPPIL No. 58/2019 and WPPIL No. 63/2019. The answering respondent deposited the said amount with the CEO, Zila Panchayat, Bilaspur and informed the same vide letter dated 02.08.2025. Copy of the letters dated 02.08.2025 and 29.07.2025 are collectively filed herewith as ANNEXURE F.*

*7. That, it is humbly submitted that all the effective measures and actions have been taken by all the PIUs under Regional Office,*

*Raipur (C.G.) with the clasped hand. The action taken reports indicates that all the PIUs are jointly taking all the quintessential steps to reduce accidents and safeguard the lives of commuters on NH.”*

From perusal of the affidavit filed by the Project Director of the National Highway Authority of India (NHAI), it is reflected that several measures have been adopted to address the problem of stray cattle on the Simga–Sargaon–Bilaspur Section of NH-130/49 and Bilaspur Bypass Section of NH-49. An additional RPV has been deployed and patrolling frequency enhanced. Cattle platforms are being constructed at Pendridih and further sheds are proposed at Ratanpur and Belmundi, in coordination with the district administration. Tenders have been floated for installation of bamboo fencing along 7.35 km stretch to prevent cattle entry. Awareness measures such as distribution of leaflets at toll plazas, cautionary announcements through RPVs, VMS boards and installation of signboards have been undertaken. Labourers have been deployed at identified spots for removal of cattle during day and night. Reflective neck



belts are being provided to cattle to ensure night visibility, and streetlights are being installed at critical points. The Concessionaire, Bilaspur Pathrapali Road Pvt. Ltd., has apprised that despite continuous efforts, the issue persists owing to non-availability of a permanent and authorized cattle confinement facility, which is beyond the scope of the Concessionaire's contract. The Zila Panchayat, Bilaspur, has also sought and been granted financial assistance of Rs.5,00,000/- for fodder of cattle kept in shelters pursuant to earlier orders of this Court. Thus, it is evident that multiple remedial steps are being undertaken by the Regional Office, Raipur and concerned PIUs in coordination with State authorities to reduce accidents and safeguard highway users.

From the affidavit filed, it appears that the authorities have confined their remedial measures to NH-130/49 and the Bilaspur Bypass Section of NH-49, whereas no steps have been reported with respect to the part of NH-130 which passes through Ratanpur,

namely the Bilaspur–Ambikapur National Highway.

In view thereof, the Project Director, National Highways Authority of India (NHAI), is directed to file a personal affidavit placing on record the measures undertaken with regard to the Bilaspur–Ambikapur stretch of NH-130 through Ratanpur. The NHAI is further directed to take concrete steps for creating public awareness so that commuters are adequately cautioned while driving, and the public at large is sensitized through appropriate modes as may be deemed fit. Such awareness shall ensure that no untoward incidents occur either to road users or to animals straying on the highway.

In compliance of the Court's order dated 31.07.2025, the District Magistrate, Bilaspur has also filed his personal affidavit, operative portion of which, reads as follows :

*“3. That, in compliance of Hon'ble Court's order dated 31.07.2025, a team of Revenue Officers was sent to inspect the Pendridih*

*Bypass area to take action against was no any encroachment. there However, encroachment near the Pendridih bypass which called for removal. The vehicles stationed on the road and under the bridge were directed to immediately leave the area and not to park vehicles under the bridge.*

*4. It is respectfully submitted that due to monsoon season beautification work could not be undertaken in the Pendridih bypass area however the beautification work has been planned and the same would be undertaken and completed in the coming 15 days. The administration has also ensured that all the street lights in Pendridih bypass are in working condition. Further, cow-catchers are regularly operating on the road between Pendridih bypass and Nehru Chowk. The Municipal Corporation, Bilaspur as well as Nagar Panchayat Bodri have deployed persons sons for continuous removal of stray cattle on the road.*

*5. It is respectfully submitted that the shops of the Gram Panchayat Pendridih has been rented to provide employment to persons of village. The shops are situated at a sufficient*

*distance from the main road and shop owners have been instructed not to allow vehicles to be parked on the road creating any kind of hindrance in the traffic. The Police Patrolling team has been directed to continuously survey the area and to keep it clean from any kind of traffic hindrance.”*

Perusal of the affidavit goes to show that the authorities, in compliance with the directions of this Court, have initiated several measures to regulate the situation at the Pendridih Bypass. Encroachments in the area have been inspected and necessary directions have been issued for their removal, including prohibition of parking of vehicles beneath the bridge. It has further been ensured that all streetlights in the area are in working condition and cow-catchers are regularly operating between Pendridih Bypass and Nehru Chowk. The Municipal Corporation, Bilaspur, and Nagar Panchayat, Bodri, have deployed staff for continuous removal of stray cattle. The affidavit also indicates that shops constructed by Gram Panchayat, Pendridih, have been allotted to villagers at a location away from the

main road with strict instructions to prevent parking that may obstruct traffic. In addition, the Police Patrolling Team has been directed to carry out regular surveillance so as to maintain free flow of traffic and to keep the area clear from any obstruction.

Mr. Yashwant Singh Thakur, learned Additional Advocate General, submits that the District Magistrate, Bilaspur, has inspected the Pendridih Bypass where traffic congestion was noticed and certain private persons had encroached upon Government land. During the inspection, which he also attended along with various stakeholders, the encroachments were removed and some shops were sealed temporarily to facilitate alternative arrangements.

In view thereof, the District Magistrate, Bilaspur, is directed to file his personal affidavit by the next date of hearing, indicating the road-map prepared pursuant to this Court's order dated 31.07.2025.

It has been brought to the notice of this Court by Mr. Palash Tiwari that vide order dated 16.07.2025, this

Court had directed the Chief Secretary of the State to file his personal affidavit with regard to the road accident which took place on the National Highway, wherein as many as seven cattles lost their lives. The Court had further directed to clarify as to whether any person or authority has been held responsible for the lapses which resulted in such a horrific accident and to enquire who are the persons responsible and who have failed in discharge of their duties to prevent such incident.

However, till date, no affidavit has been filed by the Chief Secretary in compliance of the aforesaid order.

In view of the above, the Chief Secretary shall file his personal affidavit positively by the next date of hearing.

The Court has taken cognizance of the deteriorating condition of the Bilaspur–Ambikapur stretch of NH-130, particularly the portion passing through Ratanpur, which is stated to be one of the major causes of frequent accidents and inconvenience to the public at large. In order to ascertain the role and

responsibility of the local body in maintaining and regulating the said stretch, the Office is directed to implead Nagar Panchayat, Ratanpur, through its Chief Municipal Officer, as a party–respondent in the present proceedings.

Learned State counsel is directed to send a copy of this order to the Chief Municipal Officer, Nagar Panchayat, Ratanpur, who shall ensure necessary compliance by filing an appropriate response/affidavit before the next date of hearing.

Needless to observe that in the event any petition or litigation, having nexus with or pertaining to the subject matter involved in the present PIL, is instituted or comes up before this Court, the same shall not be heard separately in isolation. The Registry is directed to ensure that such matters are, as far as practicable, placed before the same Bench and linked with the present PIL so that the issues arising therefrom are considered and adjudicated in a consolidated manner, thereby avoiding multiplicity of proceedings and the

possibility of conflicting decisions.

Let these matters be listed again on **19<sup>th</sup> of September, 2025** for further monitoring of the matters.

Sd/-

**(Ravindra Kumar Agrawal)**  
**Judge**

Sd/-

**(Ramesh Sinha)**  
**Chief Justice**