



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

Public Interest Litigation (PIL) No. 13 of 2025

[Janmanch, through its President Shri R. G. Jagtap **vs.** Nagpur
Municipal Corporation through its Municipal Commissioner and ors.]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. Mrinall Chakravorty, Advocate for the petitioner
Mr. J. B. Kasat, Advocate for respondent no. 1
Mr. G. A. Kunte, Advocate for respondent nos. 2, 9 and 10
Mr. P. V. Navlani, Advocate for respondent no. 3
Mr. A. A. Kathane, Advocate for respondent no. 4
Mr. S. M. Ukey, Addl. G. P. for the State/respondent nos. 5 & 6

CORAM: **ANIL L. PANSARE**
AND RAJ D. WAKODE, JJ.

DATE : **19-11-2025.**

Heard for some time.

Leave to add Project Director, National
Highways Authority of India, Project Implementation
Unit, Amravati is granted. Amendment shall be carried
out forthwith.

Issue notice to newly added respondent
no. 11.

Mr. A. A. Kathane, learned counsel waives
notice for respondent no. 11.

The following issues were put forth by the
petitioner.

There occurred fatal accident on Besa-Pipla Road on

2

5-11-2025, where one Mr. Rangrao Patil suffered accidental death. The construction work of road is being carried out under the supervision of respondent no. 5 – Public Works Department, Nagpur.

Respondent no. 5 has filed affidavit saying that construction of cement concrete road within Besa and Pipla is in progress. The total length of road is 1150 m. There are multiple difficulties in execution of work which includes removal of encroachment and shifting of utility i.e. electricity poles, street lights, underground electric cables etc. The construction of 50% of sub-base of cement concrete road is completed and 300 meters cement concrete road with paving blocks on both sides is completed. According to respondent no. 5, traffic is going on smoothly over this lane.

Thus, out of 1150 m. road, traffic is going on smoothly over 300 m. road. It is common experience that after the patch of such good work, the travellers face multiple difficulties. The areas beyond the constructed work is not open for smooth traffic but has multiple hurdles, for example, debris is deposited on road and material brought on site for construction work is deposited on road, which itself causes traffic hazard. Suffice it to say that a citizen suffered fatal accident only because the inclined part of road was broken.

That being so, the difficulties put forth by respondent no. 5 will have to be dealt with by the

3

Department at its own level. The construction work will have to be done but not at the costs of citizen's life, particularly, when the cause of accident is attributable to poor supervision by the Department and for not taking preventive measures.

It transpires that there is slow progress of work. One of the reasons for it, as stated by respondent no. 5, is extremely low budgetary allocation and financial condition of the contractors.

We would expect the respective Ministry/ Department to take immediate steps in this regard. One cannot expect the contractor to complete the work within stipulated time without payment of running bills. Once the work is commenced, the provision to allocate funds should be strictly adhered to. Else, work to the extent of allocated funds should only be commenced and concluded.

Be that as it may, the above difficulties is something that should be dealt with by the respondents at their own level. We are concerned about the manner in which the construction work is being done. Either half of the work is done and/or the work that is done suffers from multiple lapses, which result into air pollution, traffic congestion and accidents. Respondent no. 5 shall accordingly put forth on record the details of the accident, particularly reasons why the accident has occurred. In the meantime, respondent no. 5 shall take corrective measures, firstly, to ensure that no such

4

accident will occur during the course of completion of the work and secondly, the flow of traffic will not be hampered because of hazardous manner of construction activity.

We may consider to direct respondent no. 5 to compensate the family of Mr. Rangrao Patil suitably for the death which he suffered because of road condition.

Another issue put for was in respect of portion of the road near University Campus Square, Nagpur where the flyover from RTO to Campus lands. The road condition at the landing is extremely poor, which results into congestion of traffic.

Learned Additional Government Pleader submits that the repair work will be completed within two weeks.

Considering the area of repair, we find that this work should be done within four working days. Accordingly, necessary steps shall be taken by respondent no. 6.

Another issue highlighted by the petitioner is flyovers, which are being constructed on Nagpur-Amravati Road. The first flyover is underway near 14th Mile Stop from Nagpur. The construction of flyover is going on for last many months. The side roads are not maintained at all. In fact the side roads are such that the vehicle could not run smoothly for even 10 ft. Such

5

is the condition of the side roads.

There is no dispute that work contract includes maintenance of side road by the contractor, who is otherwise collecting toll from the vehicles which are running on the road. Thus, the vehicle owners are required to pay toll for using the unusable roads. We therefore, call upon respondent no. 4 to show cause why should the time span of collection of toll be not reduced for the period for which the road under question did not meet the required standard of maintenance of side roads. In fact it was the duty of respondent no. 11 to ensure that during the course of construction of flyovers, side roads will be maintained in order and as agreed in the contract. Having not done so, respondent no. 11 failed to discharge his duty. This observations of ours for the time being shall be treated as *prima facie* which we will make absolute after giving opportunity of hearing to respondent no. 11. Accordingly, respondent no. 11 shall file affidavit on this point.

At this stage, learned counsel appearing for respondent no. 11 submits that the side roads under question will be completed from both sides within 30 days from today. Affidavit to that effect has been filed.

Similar is the situation of flyover at Ashti Junction (97.3 Kms from Nagpur) which will also be taken care of within 30 days. The third is flyover at Rahatgaon (147.249 Kms from Nagpur), the same

6

course will be adopted here also.

List for further consideration on 9-12-2025.

All concerned shall act upon authenticated/
uploaded copy of order.

(JUDGE)

(JUDGE.)

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