

**Court on its own motion vs. National Highways
Authority of India a/w connected matters**

**CWPIL No.249 of 2017 a/w CWPIL No.24 of 2021,
CWP No.5196 of 2022 and CWP No.614 of 2023**

CWPIL No.249 of 2017

25.04.2023 Present: Court on its own motion.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for respondent No.1/NHAI.

Mr. Balram Sharma, Deputy Solicitor General of India, for respondent No.2/ Union of India.

Mr. Anup Rattan, Advocate General with Mr. I.N. Mehta, Senior Additional Advocate General, Mr. Ramakant Sharma & Ms. Sharmila Patial, Additional Advocates General and Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents/State.

Mr. Vaibhav Attri, Office Assistant, Project Director, Shimla, is also present in person.

CWPIL No.24 of 2021

Court on its own motion.

Mr. Anup Rattan, Advocate General with Mr. I.N. Mehta, Senior Additional Advocate General, Mr. Ramakant Sharma & Ms. Sharmila Patial, Additional Advocates General and Ms. Priyanka Chauhan, Deputy Advocate General, for the respondents/State.

CWP No.5196 of 2022

Mr. B.M. Chauhan, Senior Advocate with Mr. Amit Himalvi, Advocate, for the petitioner.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for the respondents.

CWP No.614 of 2023

Mr. Romesh Verma, Senior Advocate with Mr. Hitesh Thakur, Advocate, for the petitioners.

Mr. Anup Rattan, Advocate General with Mr. I.N. Mehta, Senior Additional Advocate General, Mr. Ramakant Sharma & Ms. Sharmila Patial, Additional Advocates

General and Ms. Priyanka Chauhan, Deputy Advocate General, for respondents No.1 & 3/State.

Mr. K.D. Shreedhar, Senior Advocate with Ms. Shreya Chauhan, Advocate, for respondent No.2.

CWP No.614 of 2023

De-linked from CWPIL No.249 of 2017.

Heard. Order dated 10.2.2023 is modified to the extent that the same shall not work as an impediment to the National Highway Authority of India in executing the work in question.

CWPIL No.249 of 2017

The compliance affidavit filed on behalf of Deputy Commissioner of Solan, goes to indicate that the encroachment of 0-2 Biswas has been removed. In this view of the matter, the National Highway Authority of India is free to protect its property by erecting barricades, which otherwise are required to avoid any road accident. We are informed at the Bar that the Project Director of National Highway Authority of India, Mr. Ram Asra Khural, could not appear before this Court, as he has been ordered to be transferred. A perusal of the orders passed by this Court from time to time would go to indicate that it is on account of keen interest shown by Mr. Ram Asra Khural, Project Director that not only the encroachments from the

National Highways could be removed, but even much progress has been achieved in the construction of National Highways.

Therefore, at this stage, it would not be in the public interest to transfer Mr. Ram Asra Khural, as he is aware of the measures which are required to be carried out for timely completion of the work. The National Highway from Parwanoo to Shimla is the lifeline of Shimla and in this peak tourist season, it would also not be in the public interest to transfer Mr. Ram Asra Khural. Therefore, we direct that Mr. Ram Asra Khural, Project Director, National Highway Authority of India, shall not be relieved without the leave of this Court.

CWP N.5196 of 2021

Let status report be filed within four weeks. List on **16.5.2023.**

**(Tarlok Singh Chauhan)
Acting Chief Justice**

April 25, 2023 *(KS)*

**(Virender Singh)
Judge**