

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 295/2012

S.RAJASEEKARAN

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(MR. GAURAV AGRAWAL, ADVOCATE IS AMICUS CURIAE[ONLY WP(C) 1272 OF 2019 IS LISTED UNDER THIS ITEM.]....[TO BE TAKEN UP AT 2:00 P.M.]

WITH W.P.(C) No. 1272/2019

(IA No. 135458/2019 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 10-10-2023 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s)

Mr. Gyan Prakash, In-person

Mr. Krishna Kumar, AOR

For Respondent(s)

Mr. Neeraj Kumar Sharma,Adv.
Mr. Mrinal Elker Mazumdar,Adv.
Mr. Mukesh K.Verma,Adv.
Ms. Indira Bhakar,Adv.
Mrs.Priyanka Sharma,Adv.
Mr. Prahil Sharma,Adv.
Mr. Harender Singh,Adv.
Mr. Ambuj Saraswat,Adv.
Mr. Pawan Kumar Sharma,Adv.
Mr. Shreekant N.Terdal, AOR
Mr. Gurmeet Singh Makker, AOR
Mrs. Swarupama Chaturivedi, Adv.
Mrs. Nidhi Khanna, Adv.
Mr. T S Sabarirsh, Adv.Mr. Sourav Roy, AOR
Mr. Atharva Kotwal,Adv.

Mr. Viresh B. Saharya, AOR

Ms. Prerna Mehta, AOR

Mr. M. P. Vinod, AOR

Mr. Tapesk Kumar Singh, AAG/AOR

Mr. Aditya Pratap Singh, Adv.

Mr. Priyanshu Malik, Adv.

Mr. Gaurav Agrawal, AOR

Mr. Vivek Kishore, AOR

Mr. Raghvendra Kumar, AOR

Mr. Anand Kumar Dubey, Adv.

Mr. Kailas U More, Adv.

Mrs. Nirmala D Borade, Adv.

Ms. Harsha Sharma, Adv.

Mr. Devvrat Singh, Adv.

Mr. Maneesh Pathak, Adv.

Ms. K. Enatoli Sema, AOR

Ms. Limayinla Jamir, Adv.

Mr. Amit Kumar Singh, Adv.

Ms. Chubalemla Chang, Adv.

Mr. Prang Newmai, Adv.

Ms. Ruchira Gupta, Adv.

Mr. Shishir Deshpande, AOR

Ms. Pooja Tripathi, Adv.

Ms. Harshita Sharma, Adv.

Mr. Deep Narayan Sarkar, Adv.

Mr. Aravindh S., AOR

Mr. Abbas, Adv.

Mr. Amit Anand Tiwari, A.A.G.

Mr. Sabarish Subramanian, AOR

Ms. Devyani Gupta, Adv.

Mr. Vishnu Unnikrishnan, Adv.

Mr. C Kranthi Kumar, Adv.

Mr. Naman Dwivedi, Adv.

Mr. Danish Saifi, Adv.

Ms. Tanvi Anand, Adv.

M/S. Arputham Aruna And Co, AOR

Mr. Sanjay Jain, AOR

Ms. Hemantika Wahi, AOR

Mr. Sanjeev Kaushik, Adv.
Ms. Muskan Surana, Adv.
Mr. Shreyas Awasthi, Adv.
Ms. Astha Sharma, AOR

Ms. G. Indira, AOR

Mr. Pradeep Misra, AOR
Mr. Daleep Dhyani, Adv.
Mr. Suraj Singh, Adv.
Mr. Manoj Kumar Sharma, Adv.

Ms. Jaikriti S. Jadeja, AOR

Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.

Mr. Mahfooz Ahsan Nazki, AOR
Mr. Polanki Gowtham, Adv.
Ms. Rajeswari Mukherjee, Adv.
Mr. T Vijaya Bhaskar Reddy, Adv.
Mr. Kv Girish Chowdary, Adv.
Mr. Meeran Maqbool, Adv.

Ms. Deepanwita Priyanka, AOR

Mr. Nishe Rajen Shonker, AOR
Mrs. Anu K Joy, Adv.
Mr. Abraham C. Mathew, Adv.
Mr. Alim Anvar, Adv.

Mr. Pukhrambam Ramesh Kumar, AOR

Mr. Kishan Chand Jain, Adv.
Mr. Rajesh Kumar, Adv.
Mr. E. C. Agrawala, AOR

Mr. V. Shyamohan, AOR

Mr. Milind Kumar, AOR

Mr. Satyajeet Kumar, AOR

Ms. Nitya Sharma, Adv.
Mr. Azmat Hayat Amanullah, AOR

Mr. Santosh Kumar - I, AOR

Mr. Siddhesh Shirish Kotwal, Adv.
Ms. Ana Upadhyay, Adv.
Ms. Manya Hasija, Adv.
Mr. Tejasvi Gupta, Adv.
Mr. Pawan Upadhyay, Adv.
Mr. Nirnimesh Dube, AOR

Mr. Sunny Choudhary, AOR

Mr. Rajesh S.Pandian, Adv.
Mr. Hitesh Kumar Sharma, Adv.
Mr. Akhileshgwar Jha, Adv.
Mr. Neeraj Singh, Adv.
Mr. Stella S.San, Adv.
Mr. V.J.Stalian, Adv.
Mr. B. Balaji, AOR

Mr. V. N. Raghupathy, AOR
Mr. Manendra Pal Gupta, Adv.

Mr. Neeraj Shekhar, AOR
Dr. Sumit Kumar, Adv.

Mr. Avijit Mani Tripathi, AOR
Mr. T.K.Nayak, Adv.

UPON hearing the counsel the Court made the following
O R D E R

W.P.(C) No. 1272/2019

Heard the petitioner who is appearing in person and the learned counsel appearing for the respondents.

The essence of the grievance made in this petition under Article 32 of the Constitution of India is regarding the failure of the authorities to implement the provisions of the Control of National Highways (Land and Traffic) Act, 2002. Under the said Act of 2002, various important duties and functions have been entrusted to the Highway Administration established in accordance with sub-section 1 of Section 3 thereof. Our attention is

invited to the various provisions of the said Act, including the provisions contained in Chapters IV, V and VI. The Highway Administration will have to answer the grievances regarding non-implementation of the provisions of the said Act and, in particular, performance of duties and obligations of the Highway Administration.

Our attention is also invited to the Notification dated 16th September, 2019 issued by the Government of India by which in exercise of powers of sub-section 1 of Section 3 of the said Act, Highway Administration has been constituted consisting of six officers.

We accordingly direct the petitioner-in-person to implead the said six officers as additional respondents. We also direct the petitioner to implead the officers named in the second Notification of 16th September, 2019 bearing S.O.3293 (E). Thus, we direct the petitioner to implead the following officers as party respondents:

1. Secretary to Government of India, Ministry of Road Transport and Highways - Chairperson.
2. Director General (Road Development) and Special Secretary, Ministry of Road Transport and Highways - Member.
3. Chairman, National Highways Authority of India - Member.
4. Managing Director, National Highways Infrastructure Development Corporation Limited - Member.
5. Additional Secretary and Financial Adviser, Ministry of Road Transport and Highways - Member.

6. Joint Secretary (Highways), Ministry of Road Transport and Highways - Member.

7. Director General (Road Development) and Special Secretary, Ministry of Road Transport and Highways - Membr.

8. Managing Director, National Highways Infrastructure Development Corporation Limited - Member.

Amended Cause Title shall be filed by the petitioner within a period of one week from today.

Notice be issued to the added respondents returnable on 5th December, 2023.

We direct the added respondents to file a counter affidavit setting out the steps taken by the Highway Administration to perform its duties and obligations and, in particular, with reference to Chapters IV, V and VI.

A copy of this order shall accompany the notice to the added respondents.

This petition shall be de-tagged from Writ Petition (Civil)No.295 of 2012 and be listed on 5th December, 2023 at 2.00 p.m.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER