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WP-30818-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VIVEK RUSIA,
ACTING CHIEF JUSTICE

&

HON'BLE SHRI JUSTICE PRADEEP MITTAL

ON THE 12th OF AUGUST, 2026

WRIT PETITION No. 30818 of 2025

SANTOSH KUMAR SINGH AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

.....
Appearance:

Shri Sunil Kumar Mishra - Advocate for the petitioner No.1

Shri Anubhav Jain - Government Advocate for the respondent/State.
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ORDER

Per. Vivek Rusia, Acting Chief Justice

The present petition has been filed by the petitioners, who are residents of District Rewa, by way of Public Interest Litigation under Article 226 of the Constitution of India, espousing the cause of the residents of villages Patehara, Atraila and Dabhaura. The grievance of the petitioners pertains to the reconstruction and upgradation of the Sirmour-Dabhaura section of NH-135B (Rewa-Dabhaura Road). According to the petitioner, initially, construction of bypasses at Patehara, Atraila and Dabhaura was proposed for regulating traffic and facilitating movement of vehicles. However, vide order/letter dated 07.01.2025 (Annexure P-3), the said bypasses were cancelled and reconstruction and widening of the existing



road through the densely populated market areas was decided. The reason stated for cancellation of the bypasses was, inter alia, low traffic density and reduction in the expenditure towards land acquisition and rehabilitation.

2. The petitioners contend that the existing Patehara-Atraila road passes through a densely populated market area and that widening of the said road would adversely affect traffic management and increase the possibility of accidents. It is further alleged that the lands likely to be affected are privately owned and, being situated in the market area, their acquisition would entail payment of higher compensation, thereby imposing greater financial burden upon the Government. The petitioners also rely upon information obtained under the Right to Information Act in support of their contention regarding the status of the land and the proposed alignment.

3. It is further stated that the petitioner No.1 submitted a representation dated 14.05.2025 (Annexure P-5) to the concerned authorities raising objections to the proposed alignment. The respondents, vide communication dated 02.06.2025 (Annexure P-6), informed the petitioner that the alignment of NH-135B had been finalized in accordance with the applicable rules and after approval of the competent authority, keeping in view traffic density and road-safety measures. The petitioners, however, dispute the adequacy of the said response and contend that it is not supported by any technical or expert material.

4. The petitioners have also raised an issue concerning the proposed construction of a new two-lane bridge adjacent to the existing bridge over the Tamas River at Patehara and have questioned whether the existing bridge has



been technically assessed for suitability for heavy vehicular traffic. They have further alleged discrepancies regarding publication of the Gazette notification under Section 3A in respect of the lands falling within the proposed alignment.

5 . According to the petitioners, continuation of the existing alignment through the market area would result in traffic congestion, increase the risk of serious accidents and cause unnecessary expenditure towards acquisition of private lands. They have also alleged that the impugned decision is politically motivated and has been taken in collusion with local persons and businessmen, though the said allegation forms part of the petitioners' case.

6. The petitioners, therefore, seek quashing of the order dated 07.01.2025 (Annexure P-3) and a direction to the respondents to act upon the earlier decision dated 14.12.2024 (Annexure P-2) and take steps for construction of the proposed Patehara, Atraila and Dabhaura bypasses on NH-135B.

Submissions made on behalf of the petitioners.

7. Learned counsel for the petitioners submits that the impugned decision dated 07.01.2025, whereby the previously proposed bypasses at Patehara, Atraila and Dabhaura have been cancelled, is contrary to public interest. It is contended that the existing road passes through a densely populated market area and permitting heavy vehicular traffic through such area would create serious traffic hazards and increase the likelihood of accidents. It is further submitted that the respondents have failed to properly



consider the population and traffic density of the area while altering the earlier alignment.

8. It is argued that the very reason assigned for cancellation of the bypasses, namely, reduction in the cost of land acquisition, is misconceived, since the existing road passes through privately owned commercial and other lands situated in the market area. According to the petitioners, acquisition of such land would result in payment of substantially higher compensation and may ultimately impose a greater financial burden upon the State than the construction of the bypasses. It is therefore submitted that the impugned decision amounts to an improper use and wastage of public funds.

9. Learned counsel further submits that the respondents' decision has not been supported by any material or expert opinion demonstrating that the existing alignment is safer or economically more viable. It is contended that the authorities ought to have considered road safety, traffic management and the interests of the local inhabitants before cancelling the bypasses. The petitioners accordingly seek interference with the impugned order and restoration of the earlier proposal.

Submissions made on behalf of respondent/State.

10. Learned counsel appearing for the respondents submits that the impugned decision has been taken in accordance with the prescribed procedure and in public interest, and that no case for issuance of a writ of certiorari or mandamus is made out.

Appreciations & Conclusions.

11. That, respondents have cancelled the construction of Patehara,



Dabhaura and Atraila vide impugned letter dated 07.01.2025 and decided the reconstruction and widening of the existing road which is passing within the village. The Competent Authority took the decision as no requirement of construction of bypasses was found due to low density of traffic and to minimize the cost of land acquisition and rehabilitation. The High Court cannot exercise its discretion for construction of the bypass, which is neither feasible nor required, looking to the lower traffic load and high cost.

12. In the case of *"Federation of Railway Officers Association v. Union of India, [(2003) 4 SCC 289]"*, the Supreme Court of India held that in policy and planning decisions involving financial expenditure and resource optimisation, the court cannot substitute its own opinion for that of the competent executive authority. In the case of *"National Highways Authority of India v. Sheetal Jaidev Vade, [(2022) SCC OnLine SC 1070]"*, the Apex Court held that the decision whether to construct a bypass or widen an existing road involves multifaceted considerations including traffic volume, budgetary allocations, rehabilitation burdens, and environmental impact. When the competent authority finds low traffic load and excessive rehabilitation costs, such an assessment is not liable to be interfered with in writ jurisdiction unless tainted by demonstrable *mala fides* or statutory illegality.

13. In the matter of *"Union of India v. Kushala Shetty & Ors., [(2011) 12 SCC 69]"*, it has been held that the High Courts should not interfere with the route, alignment, or design of national highways and bypasses finalized by technical experts. Selection of route, feasibility, and



modification of infrastructure projects fall exclusively within the domain of the National Highways Authority of India (NHAI)/ specialized agencies, and courts possess neither the technical expertise nor the administrative discretion to alter them.

14. In view of the above, the Public Interest Litigation is **dismissed**.

(VIVEK RUSIA)
ACTING CHIEF JUSTICE

Shivani

(PRADEEP MITTAL)
JUDGE