

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 1272/2019

GYAN PRAKASH

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(Ms. Swati Ghildiyal, Adv. (A. C.)

IA No. 184634/2022 - APPLICATION FOR PERMISSION

IA No. 106150/2024 - APPLICATION FOR PERMISSION

IA No. 20800/2021 - EARLY HEARING APPLICATION

IA No. 1096/2021 - EARLY HEARING APPLICATION

IA No. 3439/2021 - EXEMPTION FROM FILING AFFIDAVIT

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

IA No. 41241/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 27-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Ms. Swati Ghildiyal, Adv. (A. C.)
Petitioner-in-person

For Respondent(s) Mr. K M Nataraj, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Mr. Sharath Nambiar, Adv.
Mr. B K Satija, Adv.
Mr. T S Sabarish, Adv.
Mr. Vishnu Shankar Jain, Adv.
Ms. Shrishti Mishra, Adv.
Mr. A. Kotwal, Adv.

Mr. Sourav Roy, AOR

Ms. Swati Ghildiyal, AOR
Ms. Devyani Bhatt, Adv.
Ms. Sneha Botwe, Adv.

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

Ms. Swati Ghildiyal, learned Amicus Curiae, has pointed out that a circular dated 18th March, 2024 has been issued by the Ministry of Road Transport & Highways, Government of India. Her concern is that if the encroachments on National Highways are to be prevented and removed, proper inspection teams must be constituted for regular inspection of Highways. She pointed out that the inspection frequency laid down in the Circular dated 18th March 2024 is the same as prescribed at the construction stage. This will not work.

Therefore, we direct the Ministry of Road Transport & Highways to constitute proper teams for frequent and regular inspection of all National Highways to ascertain whether there are encroachments. Each team shall be made responsible for a particular stretch of individual Highways. Secondly, a mechanism should be created to ensure that the Inspecting Teams, after finding encroachments, immediately report to the competent authority empowered to remove encroachment. The Ministry shall also develop a portal where citizens can lodge complaints about the encroachments on Highways. On the portal, citizens should be able to upload photographs and location details of the encroached portions. Moreover, a facility must be also created of a toll free number to report encroachments. Action taken reports based on the complaints shall also be uploaded on the portal. It is also necessary for the Ministry to give wide publicity about the availability of the facility portal and toll-

free number on all National Highways and in the media so that citizens are made aware of the facility's existence.

We grant time till 30th September, 2024 to the Government of India to implement the above directions.

We grant time of one month to the learned Amicus Curiae to prepare a note on various issues which arise on which the directions of this Court are necessary. The note shall be provided by learned Amicus Curie by 30th September, 2024.

We direct the Ministry of Road Transport & Highways, Government of India, to place on record the details of the action taken in terms of the Circular dated 18th March 2024. The data shall be placed on record in the form of an affidavit within three weeks from today.

The petition shall be listed on 14th October, 2024 for hearing the parties and issuing interim directions.

We may also clarify that the mechanism made available for the National Highways must be extended to the State Highways. We propose to issue the necessary directions on this behalf on the next date.

There is a committee set up by this court dealing with the issue of road safety, headed by Shri Justice Abhay Sapre, a former judge of this court. The issue of encroachments on Highways has a nexus with road safety. Therefore, the Registry shall forward a copy of this order and copies of the orders which may be passed hereafter to the said committee.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(AVGV RAMU)
COURT MASTER (NSH)