

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P. (C) No.19581 of 2021

Mitra Bhanu Mohapatra and others ***Petitioners***
Mr.Sambit Samal, Advocate

-versus-

Secretary,Road Transport & Highways ***Opposite Parties***
Government of India and others
Mr. M.S. Sahoo, A.G.A.

CORAM:
THE CHIEF JUSTICE
JUSTICE SAVITRI RATHO

Order No. **ORDER**
09.07.2021

2. 1. This matter is taken up by video conferencing mode.
2. There are several issues raised in this Public Interest Litigation pointing *inter alia* to the pathetic condition of stretches of the National Highway 215/20 to an extent of 163 kms between Panikoili (starting point) in Jajpur district to Rimuli in Keonjhar district. In this stretch there are apparently three toll plazas at Hasanpur, Khantaghar and Banajodi at fairly short distance.
3. The photographs enclosed at pages 89-97 of this writ petition show that the condition of NH-215 is precarious with heavy trucks, laden with ores and minerals, using this stretch as the main thoroughfare. Indeed the NH looks badly damaged in need of very urgent and extensive repairs.
4. The said stretch of NH-215 is also said to be serving the need of access and transport to the people of the three districts of Odisha i.e. Mayurbhanj, Keonjhar and Jajpur. The

Petitioners representing these districts state that their repeated pleas to the authorities have fallen on deaf ears and the people using the NH and living in the areas abutting it are undergoing severe hardship. They invoke the rights to life, health and livelihood, enshrined in Article 21 of the Constitution, to seek a wide range of reliefs on an urgent basis.

5. Mr. Sambit Samal, learned counsel for the Petitioners, draws attention to Rule-8 of the National Highway Fee (Determination of Rates and Collection) Rules, 2008 which according to him is observed in the breach. He states that not only are there three toll plazas at short distances over the stretch of 163 km contrary to the prescribed norms, but the collection of toll fees has continued far beyond the stipulated period of time in terms of the contract between the National Highways Authority of India (NHAI) (Opp. Party No.6) and the agency entrusted with the task of expanding and strengthening the NH viz., Gayatri Projects (Opp. Party No.10).

6. There are many other serious allegations concerning the project as a whole. However, at present, this Court considers it appropriate to deal with the task of restoring the NH 215/20 to a motorable condition by ensuring that repairs to it are taken up on an urgent basis. This being one of the main thoroughfares serving the needs of the mining districts of Mayurbhanj and Keonjhar, it is important to ensure safe passage for the trucks, the public transport and motor vehicles in general. There are apparently some stretches that are

accident prone and cause grave threat to the safety of the public. With the advent of the monsoon, the need to repair NH 215 has attained grave urgency.

7. Issue notice. Mr. M.S.Sahoo, learned Addl. Government Advocate accepts notice for Opp. Party Nos.2, 3, 4, 5 and 8. Mr. Parhi accepts notice for Opp. Party Nos.1, 7 and 9.

8. Requisites for issuance of notice to Opp. party No.6-NHAI at the address of their regional office at Bhubaneswar and requisites for issuance of notice to Opp. Party Nos.10 and 11 by Registered Post/Speed Post with A.D. be filed within three working days. All the notices shall be made returnable by 26th July, 2021.

9. This Court directs that the Opp. Parties 4 and 5, i.e., the Collector, Jajpur and Collector Keonjhar accompanied by the authorized representatives of the NHAI (Opp. Party No.6) and senior level engineers shall immediately undertake a visit to the aforementioned stretches of NH 215 including the stretch covered by the three toll plazas, examine the present condition and put in place a plan of action for repairing the stretches of NH 215 in a time-bound and urgent basis. They will decide whether the task should be entrusted to Opp. Party No.10-Gayatri Projects or any other agency but the timely completion of the repairs over the next three weeks must be ensured on a war footing on priority basis.

10. The joint compliance report of the Collector, Jajpur (Opp. Party No.4) Collector, Keonjhar (Opp. Party No.5) and the NHAI shall be placed before this Court on the next date.

Photographs/videos of the repaired stretches of the NH 215 shall be enclosed with the report. To reiterate, this Court expects that all necessary steps to implement the above directions shall be taken by the Opposite Parties 4, 5 and 6 without waiting for further orders from this Court before the next date.

11. List on 26th July, 2021.

12. It would be open to the parties to file their respective affidavits before the next date. The further aspects highlighted in the PIL will be taken up on the next date.

13. As the restrictions due to resurgence of COVID-19 situation are continuing, learned counsel for the parties may utilize a printout of the order available in the High Court's website, at par with certified copy, subject to attestation by the concerned advocate, in the manner prescribed vide Court's Notice No.4587, dated 25th March, 2020 as modified by Court's Notice No.4798, dated 15th April, 2021.

(Dr. S. Muralidhar)
Chief Justice

(Savitri Ratho)
Judge

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