

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

SUO MOTO WRIT PETITION(CIVIL) No. 9 OF 2025

IN RE: PHALODI ACCIDENT

Date : 10-11-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE VIJAY BISHNOI

By Courts Motion

For State of Rajasthan :

Mr. Shiv Mangal Sharma, AAG
Ms. Shalini Singh, Adv.
Ms. Nidhi Jaswal, AOR

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

1) The instant petition has been registered *suo motu* in reference to the tragic road accident that occurred on 02.11.2025 near Mathoda, in Phalodi district in Rajasthan, claiming 15 lives and leaving many seriously injured, followed by another unfortunate accident which occurred on the morning of 03.11.2025 on Mirjaguda-Khanapur road near Chevella in Rangareddy district of Telangana

resulting in loss of 19 lives. The reason for loss of these innocent lives has been mentioned in the news article circulated across television, social media and print media, basis which, the *suo motu* cognizance has been taken.

2) In so far as accident in Phalodi is concerned, on perusal of the articles and reports, it has come to our notice that the accident took place between a bus carrying pilgrims which rammed into a stationary trailer parked near a 'dhaba' on the Bharatmala Expressway (connecting Jamnagar to Amritsar). As further reported, there are multiple unauthorized dhabas that are operating alongside the national highway and it was noticed that many trucks / trailers were parked in a similar fashion on the national highway. It is also seen that the drivers and helpers usually cross the iron railing to take meal after parking their vehicle.

3) Basis the another article namely *"12 pyres lit together in Jodhpur accident: After 15 deaths on Bharatmala Expressway, authorities launch crackdown, removing illegal roadside dhabas"* published on the

website of Bhaskar English, it has also come to our notice that only after the ill-fated incident, the concerned authorities sprung into action out of their slumber and removed the illegal encroachment.

4) In yet another unfortunate accident in Rangareddy District on 3rd November, 2011, wherein a gravel-laden lorry coming from opposite direction on National Highway-163, reportedly rammed into State Road Transport Corporation Bus, while trying to avoid a pothole, led to loss of life of 19 people, including a 40 days old infant. As per the article *"19 dead as gravel truck ploughs into govt. bus near Hyderabad"* published in "The Hindu" on 4th November, 2025, it is reported that no street lights, dividers and signage were observed over long stretch of the highway.

5) We cannot turn a blind eye such to such tragedies, more so when they could have been averted had the authorities concerned acted promptly and discharged their duties with due diligence. Indeed, once a life is lost, the status quo ante cannot be restored, however, any loss of life, in particular

due to negligence of State or public infrastructure cannot be overlooked on such dereliction. Article 21 of the Constitution of India envisages fundamental right to life not limited to mere animal existence and includes right of every citizen to have essential and adequate public infrastructure, thereby imposing positive obligation on the State to ensure the same.

6) Therefore, looking at *prima-facie* reasons cited for accidents i.e., (i) Damaged conditions of the road, despite regular tolls being charged; and (ii) unauthorized operation of roadside dhabas on the encroached land, encouraging truck drivers (including other people) to stop for meals, leading to parking of numerous trucks / trailers on the highway shoulder, thereby increasing the risk of such collision or resulting in one.

7) Having regard to the circumstances, it is essential to ask the 'National Highways Authority of India' and the 'Ministry of Road, Transport and Highways, Government of India', to submit a report, in particular, with respect to these two Highways

where the accidents have taken place. Accordingly, they be joined as a party and notice be issued to them. It is directed that, a report be submitted after a survey within two weeks, indicating therein that how many dhabas are situated alongside the highways in the area which is not notified for the facility area.

8) Let a report be also submitted regarding road conditions and the norms followed by the contractors during the period of maintenance.

9) The Ministry of Home Affairs be also joined as a party and be noticed.

10) In addition, the respective Chief Secretary of the States of Punjab, Haryana, Rajasthan and Gujarat through which States the Bharatmala Expressway (connecting Jamnagar to Amritsar) passes, as also the respective Chief Secretary of the States of Telangana and Chhattisgarh which States are connected by National Highway No. 163, be joined as parties and be noticed.

11) Mr. A.N.S. Nadkarni, learned senior counsel, who is present in the Court is appointed as *Amicus*

Curiae in this matter. He will be assisted by Mr. Jai Anant Dehadrai, Advocate-on-Record and Mr. Sughosh Subramanyam, Advocate, who also appeared to assist the Court.

12) He is at liberty to file documents after having a study on the point of road conditions as well as the conditions of the accidents in the Expressways/Highways.

13) List the matter on 15th December, 2025.

(NIDHI AHUJA)
AR-cum-PS

(NAND KISHOR)
ASSISTANT REGISTRAR