

27.03.2025
Item No.07
RP/SM
Ct. No.01

WPA(P) 69 of 2025
Dhruba Mukherjee
Vs.
The State of West Bengal & Ors.

Mr. Nilanjan Bhattacharjee, Sr. Adv.
Mr. Ananda Basu
Mr. Partha Dutt
Mr. Pratik Dutta

....For Petitioner

Mr. Amit Meharia
Ms. Paramita Banerjee
Mr. Sayan Dey
Mr. Diptesh Acharjee

....For Respondent Nos.6, 7 & 8

Mr. Kishore Dutta, Ld. AG
Sk. Md. Galib, Sr. Govt. Adv.
Ms. Priyamvada Singh

....For State

1. By filing this public interest litigation the petitioner prays for direction upon the respondents to remove barricades/barriers/guardrails, which have been put up in the National Highway and State Highway which resulted in a number of fatal accidents. In this regard the petitioner had filed various application under Right to Information Act and obtained information to the effect that National Highways Authority of India does not install any barriers on National Highways which are restrictive of free movement or create impediment to full flow of traffic. Sometimes local police authority put up such temporary barriers as per their requirement of traffic

control. Reply to the RTI application states that the barriers are installed by local police as per their administrative/police requirement in West Bengal and not by National Highways Authority of India. The petitioner has also placed reliance on a decision of the High Court of Judicature at Madras dated 12th November, 2017 passed in a Suo Motu WP(MD) No.12892 of 2017 which was heard along with WP(MD) 17126 of 2017 wherein prayer was made to direct the respondents therein to remove the speed breakers and to remove all barriers on State Highways in question. The Court considering the larger issue had issued certain directions and one such direction is that the barricades are permissible at the places of accident prone areas in order to control the speed and to avert road traffic accidents at National Highways and other roads with sufficient warning and visibility. In the writ petition the petitioner also states that many a times these barriers/barricades are not illuminated and as a result of which several accidents could take place. Therefore, regulating the speed in National Highways and any other roads it is for the police authorities to take appropriate action and it would not be the wisdom of this Court to substitute the views taken by the police authority. What we can observe is that if the police authorities are of the view that

barricades/barriers/guardrails have to be put up so for the purpose of regulating speed or to prevent road traffic accidents, the same shall be done in a judicious manner and such barricades/barriers/guardrails shall be adequately illuminated so that the vehicles which are plying during night are able to clearly see the barricades/barriers/guardrails at least before 100 meter distance. In this regard appropriate authority of the State shall issue circular as to how and what manner such barricades/barriers/guardrails may be placed by various authorities.

2. With the above observation, this writ petition is disposed of.

(T.S SIVAGNANAM)
CHIEF JUSTICE

(CHAITALI CHATTERJEE (DAS), J.)