



**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

BEFORE

**HON'BLE SHRI JUSTICE VIVEK RUSIA
&
HON'BLE SHRI JUSTICE BINOD KUMAR DWIVEDI**

ON THE 23rd OF JULY, 2025

WRIT PETITION No. 23845 of 2023

TANISHQ PATEL AND OTHERS

Versus

NATIONAL HIGHWAY AUTHORITY OF INDIA AND OTHERS

Appearance:

Shri Navneet Kishore Verma - Advocate for the petitioner.

*Shri Romesh Dave – Dy. Solicitor General for the respondent/
Union of India.*

*Shri Pankaj Chandra Bagadiya – Advocate for the respondent [P-
RES].*

*Shri A.P.Singh – Advocate with Ms. Shagufta Rehman and Shri
Avinash Kushwaha [r-1 and 7].*

Shri Sudeep Bhargava – Dy. A.G. for the respondent/State.

Shri Akshat Pahadia – Advocate for the respondent [INT].

*Ms. Nandini Sharma on behalf of Shri Kushagra Jain – Advocate for
the respondent [r-4].*

ORDER

Per: Justice Vivek Rusia

The petitioners being law students (now advocates) have approached this Court by way of Public Interest Litigation under Article 226 of the Constitution of India seeking multiple directions to the respondents to fix the proper road signs on the road, remove the trucks parked on both sides of road at Palda Bridge, removal of speed breakers,



constitution of committee for maintenance of the road and finally NHAI be directed to take responsibility of any accident which may happen in future because of the aforesaid poor maintenance of the national highways.

02. The notices were issued to the respondents to file the reply. During the pendency of this petition, there was a traffic jam on 24.06.2025 due to the construction of a flyover at the village. Arjun Barodia section of the national highway, and as per media reporting, three persons died as they could not reach the hospital in time. Counsel for the petitioners filed an application for interim relief and got this petition listed on 30.06.2025 by taking a mention memo. Two more writ petitions came to be filed on the same issues but were disposed of as this writ petition is already pending for adjudication. The petitioners have filed **I.A. No.6091/2025**, an application for ad-interim writ seeking the following reliefs:-

- “(i) Direct the respondents to immediately remove the unscientific traffic signal at Phoenix Citadel, ensure safe traffic flow, and barricade the unsafe service lane diversions;*
- (ii) Direct the respondents to immediately repair potholes, level the road surface, and place mandatory signage and lighting as per national highway safety norms;*
- (iii) Direct a joint inspection by a technical team comprising representatives of NHAI, local traffic police, and an independent highway safety expert to assess current road hazards;*
- (iv) Direct a spot inspection of the affected stretches of the Indore-Dewas Highway by the Hon’ble Court or by appointing a suitable Court Commissioner/technical committee, in order to independently assess the safety violations and the dangerous condition of the road, in the interest of justice”.*



03. The counsel appearing for the NHAI was directed to file a reply. The answering respondent/NHAI has filed a return on merit of the writ petition raising various objections about the maintainability of the writ petition and denying the relation of three deaths due to the traffic jam on the national highway near *Arjun Balda* on 24.06.2025. As per the reply filed by the NHAI, the NH-3 was initially a 4-lane highway between Indore and Dewas, and in the year 2011, it was planned to upgrade to 6-lane highway in view of anticipated traffic. The concession agreement in this regard was entered with M/s Indore/Dewas Tollways Limited on 01.09.2011. The provisional COD was declared on 29.05.2015 and the concessional period therefrom for 25 years, i.e., up to the year 2037. However, the said agreement has been terminated on 22.12.2022 and the maintenance contract was entered with M/s DG Belhekar & Co. on 25.07.2023 for maintenance and improving riding quality and periodic repair of 6-lane highway (45Km) and service road (58 Km linear length) and since then, the said company is maintaining the road and other related work.

04. It is further submitted that the NHAI observed a few black spots on the Indore/ Dewas stretch, mainly at Rau Circle, Phoenix Mall, Ralamandal, Arjun Barodia, etc., and it was decided to construct flyovers at major crossings situated on the aforesaid places. Thereafter, the work of construction of flyovers has been allotted to one M/s Mehrotra Buildcon Pvt. Ltd./ respondent No.7, and the said company is constructing VUP at Ralamandal, a flyover at Best Price (Citadel Mall) and a bridge at Arjun Barodia. It is further submitted that because of the construction/ repair on other adjoining municipal roads, MDR and the



state highways, most of the traffic on those roads has also been diverted to the Indore-Dewas road, which has increased the traffic load and resulted in traffic jams. The heavy rain during this period was also the reason for the huge extra traffic load. However, it is submitted that the national highway is being maintained regularly, and the company is making all efforts to complete the construction of the flyovers at all three places by the end of December 2025.

05. In compliance with the order dated 30.06.2025, the authorised Signatory/ Project Manager of respondent No.7 has filed an affidavit explaining the current situation and the steps which are being taken by the company in resolving the current traffic congestion and other issues on NH (Indore-Dewas) bypass at Arjun Barodia and Best Price. The company was awarded an additional work of [2 VUPs. MR-10 Junction Flyover and Service Road in 6-Lane Road Indore-Dewas Section of NH-52]. The company is constructing three flyovers at Ralamandal, MR-10 and Arjun Barodia. It is further submitted that at Arjun Barodia, road diversions have been made on both sides where incoming traffic from Dewas and Indore is diverted on the respective service roads. The diversion road has been properly made, and regular maintenance of the said diversions is being carried out. The photographs demonstrating the maintenance are cumulatively filed as [Annexure-R-7/2]. It is further submitted that there has been no congestion on any of the sides for the last six days. The company is trying to restrict vehicles coming from the wrong side, and heavy vehicles not routed in a proper lane are a main cause of traffic congestion.



Submission of petitioner's counsel

06. Learned counsel for the petitioners submits that this Court be pleased to appoint a committee to monitor the work in question and the maintenance of the NH as has been done by the Apex Court in the case of ***DSC – Viacon Ventures Pvt. Ltd. (Now Known as DSC Ventures Pvt. Ltd.) vs. Lal Manohar Pandey and Others*** reported in **2015 (15) SCC 509**.

07. It is further submitted by learned counsel for the petitioners that the respondents be directed to comply with the directions in the notification dated 16.03.2023 issued by the Government of India, Ministry of Road Transport and Highways and take immediate measures so that the congestion/ traffic jam that happened on 24.06.2025 can be avoided in future.

Submissions of respondent/NHAI's counsel

08. Learned counsel appearing on behalf of NHAI submits that sometimes congestion do happen because of several factors like heavy rains, construction work on highways/roads, diversion of traffic due to construction of other highways, festivals, marriage seasons and sometimes due to the violation of traffic rules etc., therefore, no general direction can be issued to avoid the traffic jam or congestions. It is further submitted that the earlier concessioner, which was negligent in maintaining the national highway, had the contract terminated, and the same has been awarded to a new company. The construction work of the flyovers is going on within the timeline and will be completed by December 2025 by respondent No. 7.

09. Shri Pankaj Bagadiya, learned counsel appearing for respondent



No.7/ M/s Mehrotra Buildcon Pvt. Ltd., also submits that the construction work of the flyovers will be completed within time and at present the work is going with full swing. The service road was constructed and is now again being upgraded by tarring and in some places by way of paver blocks. It is further submitted that after 24.06.2025, there has been no traffic jam near the Arjuna Barodia.

Appreciation and conclusion

10. The concern of the petitioners about the maintenance of the national highway is in the public interest. The NHAI is responsible for the maintenance of all the national highways across the country. So far as the congestion and blockage of free movement of traffic are concerned, the learned counsel appearing for the NHAI rightly submitted that it can happen any time on any national highway due to various reasons. No measures can be taken in advance. The flyovers are also necessary on major crossings on the national highway for the smooth flow of traffic. The flyovers cannot be constructed by completely blocking the traffic; it has to be constructed during running traffic.

11. A detailed traffic management plan is crucial for safe and smooth traffic flow during the construction of flyovers, which includes the diversion of traffic on the national highway. Before starting construction work, well-planned temporary diversions taking into account, the traffic load on the said national highway with proper specifications should have been constructed on both sides. Wherever the construction work of flyovers is being undertaken, there should be extensive use of high-intensity grade retro-reflecting sheeting signs,



delineators, Hazard markers and barricades to channelize traffic. There should be adequate lighting during night work to ensure visibility of both workers and the motorists. It is a responsibility of a contractor to depute a flagman or traffic controller to guide the vehicles, specifically in a congested area; they should always force oncoming traffic to slow down. Proper reduction devices like rumble strips and speed limit signs should be present on national highways to encourage reduced speed in a construction zone. The frequent inspection and maintenance of traffic control devices and diversion is the joint responsibility of the NHAI and contractors.

12. The photographs filed by respondent No.7 show that they are now constructing/ upgrading side lanes/diversions on both sides of the flyover at Arjun Barodia. In fact, as per the agreement and the norms of Road Congress guidelines, the service road ought to have been constructed before starting the construction work of the bridge /flyovers/ subways, etc. The strength and width of the sideline should have been designed and fixed keeping in view the load of traffic on the said highway. The NH-3 is a very old and busy national highway which connects two industrial areas at Dewas, as well as Pithampur, Dhar. The engineers and design consultants of NHAI prepare the design and tender documents before issuing the NIT and awarding the work to the contractor. The Project Management Consultant is also appointed for a particular work by the NHAI to monitor the quality of construction. The methodology and quality assurance by NHAI and the consultant are necessary in every construction of national highways as well as flyovers. It is the duty of the department and the contractor to provide a hassle-



free way during the construction of a road or flyover. Therefore, heavy movements of trucks, dumpers, cargo trucks, transport vehicles and buses, etc should have been anticipated while constructing the service road. This highway also connects to the highway towards Bhopal, so there is a huge traffic movement between Indore and Bhopal of four-wheelers and passenger buses. Therefore, before starting the construction of the flyover, good quality service roads on this highway ought to have been constructed by the respondent No. 7 in order to avoid inconvenience to the travelers and passengers, etc., as well as free movement of Ambulance, Police Vehicles and Fire Brigade in case of emergency.

13. Looking at the photographs now, it appears that the respondent No.7 is upgrading the service roads. Let this construction/ upgradation of service roads be completed on a priority basis along with the ongoing construction work of the flyovers. The respondents/ NHAI are directed to regularly monitor the work of completion of the service road and thereafter their maintenance and submit the report to this court after 30 days from the date of this order.

14. So far as the prayer of removal of speed breakers on this national highway is concerned, as per the photographs, these are not the speed breakers but they are rumble strips constructed on a road in order to avoid accidents on the highways. The rumbles are necessary to control the speeds of heavy vehicles; therefore, the NHAI, as well as the local administration, is the competent authority to decide the place where the rumbles are constructed. This Court cannot direct the removal as well as the shifting of these rumbles.



15. So far as the traffic signs are concerned, it is correct that they are liable to be put at the appropriate places as per the Motor Vehicle Act and Rules, and their regular replacement is also necessary from time to time. Let these traffic signs be properly monitored and, if required, be replaced from time to time.

16. In view of the above, the present writ petition stands disposed of. No order as to costs. This writ petition will be listed before this court if a compliance report is not submitted after 30 days.

(VIVEK RUSIA)
JUDGE

(BINOD KUMAR DWIVEDI)
JUDGE