

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 67 OF 2014
Amol s/o Hansraj Khante .vs. State of Maharashtra & others

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. M.P. Khajanchi, Advocate for petitioner,
Mrs. B.H. Dangre, G.P. for respondent nos.1 to 4,
Mr. J.B. Kasat, Advocate for respondent no.5,
Mr. A.A. Kathane, Advocate for respondent no. 6.

CORAM : B.R. GAVAI & V.M. DESHPANDE, JJ.

DATED : SEPTEMBER 29, 2016.

The present petition pertains to the nuisance caused to the citizens residing in Nagpur city on account of permitting heavy vehicles to use roads passing through the city of Nagpur for crossing out to the other part of the city.

Taking into consideration that a part of the bypass connecting Nagpur-Amravati road to Nagpur-Wardha road, Nagpur-Bhandara road and Nagpur-Jabalpur road was available, we had issued certain directions from time to time so as to enable the State Government to consider as to whether a sort of levy can be imposed on these vehicles while they enter the city. This was done so that there should be an incentive to the owners of the heavy vehicles to use the bypass.

During the pendency of the petition, it was noticed that a part of bypass connecting Nagpur-Amravati road to Nagpur-Katol and Nagpur-Saoner road was not yet complete. We had, therefore, directed the National Highway Authority of

India (for short “NHAI”) to be impleaded as party respondent.

The respondent no.6, i.e. NHAI has filed an affidavit stating therein that the bypass road has been handed over to NHAI on 25.9.2014. It is also stated in the affidavit that the work of the road has been divided into two phases – (1) four-lane stand alone ring road for Nagpur city, Package I from Km. 0.500 to Km. 34.000, (2) four-lane stand alone ring road for Nagpur city, Package II from Km. 34.000 to Km. 62.035. It is stated that the said works are to be undertaken on BOT (Hybrid Annuity) Basis. It is further stated that the process of tender is complete and the work in question is awarded to the MEP Infrastructure Developers limited and Sanjose India Infrastructure and Construction Private limited (JV) on 31.3.2016. It is further stated that though the awards are passed and compensation is paid for a part of road, the possession of the road is yet to be taken. It is stated that the possession would be taken and the work would be completed approximately within a period of 2½ years.

We find that once the entire stretch of ring road is complete, it will help in substantially reducing the traffic nuisance in the city.

In pursuance of the earlier directions, the Commissioner of Police, Nagpur has issued a notification under the provisions of Section 115 of the Motor Vehicles Act, 1988, thereby imposing various restrictions for the heavy vehicles preventing their entry in the city of Nagpur and directing them to use the alternative roads as provided in the said notification. The said notification also provides that if any heavy vehicle is found to have breached the conditions stipulated in the

notification the compounding fees of Rs.500/- under the provisions of Section 179 of the said Act and Rs.1000/- under the provisions of Section 184 of the said Act would be levied.

It could thus be seen that the respondent State has now come with a notification which restricts the entry of heavy vehicles in the city which are travelling to the destination beyond the city. It has also provided for alternative routes to be used by such vehicles. The notification also provides for compounding fees of Rs.1500/- approximately which would be more than the toll which a truck owner is required to pay while using the bypass or the alternate road. We, therefore, find that this would act as a deterrent to the truck owners to enter the city and lure them to use alternative routes.

We, therefore, find that for the time being the petition has served its purpose and as such, is disposed of.

Judge

Judge

J.

CERTIFICATE

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