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**(2018) 08 UK CK 0236**  
**In the Uttarakhand High Court**  
**Case No : Writ Petition (PIL) No. 73 Of 2018**

Akhtar Malik

APPELLANT

Vs

Union Of India & Others

RESPONDENT

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**Date of Decision :** 14-08-2018

**Acts Referred:**

**Citation :** (2018) 08 UK CK 0236

**Hon'ble Judges :** Rajiv Sharma, J;Manoj Kumar Tiwari, J

**Bench :** Division Bench

**Advocate :** Ajay Veer Pundir, Lalit Sharma, Naresh Pant, Paresh Tripathi

**Final Decision :** Disposed Off

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## Judgement

Rajiv Sharma, J

1. Petitioner has sought a direction to the respondents for speedy construction of National Highway No. 58 between Roorkee and Haridwar including

repair of existing stretch of National Highway No. 58 falling between Roorkee and Haridwar.

2. Respondent No. 2 has filed a detailed and comprehensive affidavit. According to the averments made in the counter affidavit, the National

Highway Authority of India had a schedule completion date, i.e. 01.03.2013 as per the original concession agreement signed with project

concessionaire M/s Haridwar Highways Project Limited (HHPL). The concessionaire has not complied with the terms and conditions of the

agreement. Rather, the intention of the concessionaire was to abandon the project. A notice has been issued to the concessionaire M/s Haridwar

Highways Project Limited (HHPL) on 04.05.2018. At the same time, all options are being explored, if agreement can be terminated safeguarding

interest of bankers, who have financed the project, so that new contractor could be deployed to complete the balance work in a time-bound manner. It

is also highlighted in the affidavit that, to minimize the hardship of the commuters, the National Highway Authority of India has sanctioned an estimate

and signed an agreement for maintenance of highway project amounting to Rs.3.69 crores with contractor M/s Himalayan Construction vide

agreement dated 21.06.2018 with a time limit for completion of maintenance work within three months, i.e. by 20.09.2018.

3. Roorkee-Haridwar road is a very important road. Thousands of commuters use this road daily to enter Haridwar and also for their onward journey

to Rishikesh. The scheduled date for completion of this road was 01.03.2013. We are in 2018. It reflects a sorry state of affairs. In case, the

concessionaire M/s Haridwar Highways Project Limited (HHPL) had all the intentions to abandon the project, action should have been taken against it

in accordance with law and as per the terms of the agreement. The National Highway Authority of India has only issued the notice on the

concessionaire M/s Haridwar Highways Project Limited (HHPL) on 04.05.2018. Five years is a very long period. The cost of the project has

escalated due to inflation. The commuters are suffering for the non-action on the part of the statutory body. We appreciate the gesture of National

Highway Authority of India that alternatives are being explored; but, by now, the same should have been done and the road should have been

constructed at the earliest. Every citizen has a fundamental right to have access to the roads. The roads must be of national standards. In case, the

contractor is not up to the mark, the machineries should be set-in-motion to revoke the agreement after putting him to notice. The construction of

National Highway No. 58 commenced in the year 2008. Ten years have gone-by and the project is embroiled in controversies, which could have been

sorted out, if there had been proper application of mind by National Highway Authority of India.

4. The State Government has also filed an affidavit giving therein the steps taken to decongest the traffic between Roorkee and Haridwar and also the

surrounding areas. According to the said affidavit, to ease traffic congestion, especially during festivals, holy dip and weekend holidays, the district

administration in coordination with the police has prepared a route chart diverting vehicles coming from Delhi via Purkaji and Roorkee to Laksar.

Between Roorkee and Haridwar, heavy vehicles are not permitted to ply during the day. Similarly, heavy vehicles coming from Dehradun-Rishikesh

are stopped at Lal Tappad and heavy vehicles coming from Nepali Farm and Narsan are stopped at Narsan border. Heavy vehicles coming from

Shyampur and Chidiyapur are stopped at Gandikhata to regulate the traffic on National Highway No. 58 between Haridwar and Roorkee. In the

Roorkee area, heavy vehicles are prohibited from 09:00 a.m. to 09:00 p.m. and, in case of heavy traffic, the vehicles are diverted towards Narsan.

Similarly, light vehicles coming from Delhi and Meerut are diverted at Purkaji through Khanpur-Laksar-Sultanpur-Ferupur-Jagjeetpur Chowk via

Deshrakshak Tirah to Singhdwar Chowk to Premnagar Ashram Chowk to Rishikul Highway-Shankaracharya Chowk-Alaknanda Parking via Beragi

Camp Parking. The vehicles coming from hilly region and Dehradun going to Delhi and Nazibabad are diverted at Bhaniyawala towards Natraj

Chowk (Rishikesh) via Shyampur Chowk-IDPL Gate-Seema Dental College via Chilla Marg towards Nazibabad and the vehicles going to Delhi are

diverted from Chandi Chowk towards Delhi road. The State Government is also proposing to construct a link road between Narsan Motor Marg at

24.3 kms. to Sheelakhal. The construction work of Singhdwar Flyover and Jwalapur Flyover are near completion. Once the Jwalapur Flyover

becomes operational, the problem of traffic jam at Jwalapur Railway Crossing will be over. The District Magistrates of Dehradun, Haridwar,

Pithoragarh, Bageshwar, Almora, Tehri Garhwal, Udham Singh Nagar, Champawat, Rudraprayag, Chamoli, Nainital, Pauri Garhwal and Uttarkashi

have submitted detailed reports regarding measures taken and proposed for free-flow of traffic in their respective districts. Haridwar is a world

famous pilgrim centre. Every pilgrim and tourist coming to Haridwar must have a sweet memory, instead of being stuck in traffic jam for hours

together.

5. Accordingly, the writ petition is disposed of by issuing the following mandatory directions:

A. Respondent No. 2 / National Highway Authority of India is directed to complete the project National Highway No. 58 on or before September,

2019, as undertaken by it. The National Highway Authority of India is also directed to maintain the project highway as per agreement dated

21.06.2018 and to complete the maintenance work on or before 20.09.2018. We also permit respondent No. 2 to take action against M/s Haridwar

Highways Project Limited (HHPL) within a period of one month strictly in accordance with law in larger public interest. The Secretary, Ministry of

Road Transport, New Delhi, is directed to fix the responsibility and accountability of the officers, who were negligent in discharge of their statutory

duties in not completing the project even within a period of 10 years, by initiating disciplinary proceedings against them.

B. The State Government is directed to take a final decision on the construction of the link road proposed between Narsan Motor Marg at 24.3 kms.

to Sheelakhali within a period of three months from today.

C. The detailed reports / proposals given by all the District Magistrates throughout the State of Uttarakhand to regulate the traffic are ordered to be implemented strictly.

D. The State Government is directed to ensure that there are no traffic snarls or traffic jams throughout the State of Uttarakhand in order to avoid inconvenience to the commuters.

E. The State Government is also directed to install sufficient number of traffic lights at the busy junctions throughout the State of Uttarakhand for

smooth flow of traffic and also to remove encroachments from the National Highways and State Highways within a period of six months from today.

F. The Secretary, Transport, State of Uttarakhand, is directed to convene a meeting of all the stake-holders, including Public Works Department and

National Highway Authority of India, to ensure that traffic is not impeded at any place throughout the State of Uttarakhand.

6. All the pending applications will also stand disposed of.