

[3488]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**TUESDAY, THE THIRTIETH DAY OF JUNE
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT APPEAL NO: 562 OF 2026

Writ Appeal under clause 15 of the Letters Patent against the order Dated 06/03/2026 in writ petition No 39183 of 2025 on the file of the High Court.

Between:

Niloufer Afshan, W/O Mohammad Adnan, Aged about 40 yrs, Occ. Advocate.
R/o H.NO. 8-13-67/1, Opp N.P.A. Shivrampally Road, RR District.

...APPELLANT

AND

1. Union Of India, Rep. by its Secretary, Home Affairs, South Block, New Delhi 110 001
2. Sardar Vallabhai Patel National Police Academy, Rep. by its Director, At Shivrampally Road, R.R. District.
3. The National Highway Authorities of India, Represented by its Chairman, Having office at G 5 and 6 Section 10, Dwarka New Delhi 110075.
4. The Department of Roads and Buildings, Rep. by its Chief Engineer, Having office at Errum Manzil, Hyderabad

...RESPONDENTS

I.A. NO: 1 OF 2026

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to pass an interim direction thereby directing the respondents to immediately remove

the footover bridge from the middle of the national highway no. 7, going towards Aramgarh Junction, RR District, opposite to the main gate of respondent No. 2 institution.

Counsel for the Appellant : SRI MOHAMMAD ADNAN

**Counsel for the Respondent No.1&2 : SRI N.BHUVANGA RAO,
Dy.Solicitor General Of India**

Counsel for the Respondent No.3 : SRI MADISHETTY RAMU, SC FOR NHAI

Counsel for the Respondent No.4 : GP FOR ROADS & BUILDINGS

The Court made the following: JUDGMENT

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND
THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT APPEAL No.562 of 2026

DATED : 30.06.2026

Between:

Niloufer Afshan, W/o Mohammad Adnan

... Appellant

AND

Union of India, rep. by its
Secretary, Home Affairs,
New Delhi, and three others

... Respondents

JUDGMENT:

Sri Mohammad Adnan, learned counsel appears for appellant/writ petitioner.

Sri N. Bhujanga Rao, learned Deputy Solicitor General of India appears for respondent Nos.1 and 2.

Sri Madishetty Ramu, learned Standing Counsel for National Highways Authority of India (NHAI) appears for respondent No.3.

2. The instant Writ Appeal is directed against the order dated 06.03.2026 passed in Writ Petition No.39183 of 2025 by the learned writ Court.

3. Alleging inaction on the part of respondent No.2 in not removing the foot over bridge from the middle of National Highway

No.7 going towards Aramgarh Junction, Ranga Reddy District, opposite to the main gate of respondent No.2 institution which, according to the writ petitioner, is not only in violation of the National Highways Act, 1956, but also illegal, arbitrary and threat to public life and property, the appellant approached the writ Court straight away without making any representation to respondent No.3/ NHAI. *Vide* order dated 06.03.2026, the learned writ Court dismissed W.P.No.39183 of 2025 *inter alia* observing as under:

“This Court exercising jurisdiction under Article 226 does not sit as an expert body in matters of road engineering and traffic design. In the absence of clear statutory violation, *mala fides* or patent illegality, a direction for demolition of a public structure constructed after due permissions and judicial scrutiny in Writ Petition No.20266 of 2016 cannot be issued merely on the basis of apprehension. Petitioner’s personal inconvenience or perceived risk, though relevant, does not by itself establish that the structure is illegal or that respondents have failed to discharge a statutory duty under the Control of National Highways (Land and Traffic) Act, 2002.

Further, petitioner herself states that she has no objection if the bridge is modified or extended by relocating the staircase and pillars to the extreme edge of the road. This itself indicates that the core issue is of technical adjustment rather than inherent illegality of the structure. In view of the above facts, this Court is of the opinion that petitioner has not established that the continued existence of Foot Over Bridge is illegal, arbitrary or unconstitutional, nor has she demonstrated breach of any mandatory provision of the Control of National Highways (Land and Traffic) Act, 2002. The issue raised falls within the realm of administrative and technical decision-

making to be considered by competent authorities based on safety assessments. The Writ Petition is therefore, liable to be dismissed.

The Writ Petition is accordingly, dismissed. No costs."

Being aggrieved, the present Writ Appeal has been preferred.

4. However, upon hearing the learned counsel for the parties, we find that it is not in dispute that the appellant has straight away approached the learned writ Court without making any representation before respondent No.3/NHAI.

5. Learned counsel for the appellant relies upon a decision of the Apex Court **In Re: Phalodi Accident v. National Highways Authority of India and others {Suo Moto Writ Petition (Civil) No.9 of 2025}** wherein a slew of directions have been issued to NHAI to take appropriate steps for the purpose of carrying out the directions passed by the Apex Court as are enumerated under para 4 thereof. Such directions are also extracted hereunder:

"a) Prohibition on Authorized Parking– No heavy or commercial vehicle shall park/stop on any National Highway carriageway or paved shoulder except at a designated bay, lay-bye, or Wayside Amenity; enforcement shall be effected through the Advanced Traffic Management System – ATMS real-time alerts to State Police, GPS – time stamped photographic evidence, and integrated eChallan generation.

These directions must be complied with by the officials and personnel of National Highway Authority of India, State Police, State Transport Department. The District Magistrates of the concerned districts shall set-up a standard operating procedure for this purpose as regards periodical inspections and patrolling by all these authorities. These directions must be complied within 60 days from the date of this order.

b) Inspection, Survey and Citizen Grievance– The Highway Administration, NHAI, NHIDCL, and State PWDs shall, within 30 days, file before this Court a consolidated report on –

- (i) Composition and schedule of dedicated inspection teams for each highway stretch;
- (ii) State-wise encroachments identified, notices issued under Section 26 of the Control of National Highways (Land and Traffic) Act, 2002 – CNH Act and structures demolished, and
- (iii) Status of compliance with the directions issued in *Gyan Prakash vs. Union of India and others* (2025 SCC OnLine SC 1189). NHA shall simultaneously confirm full operationalisation of the Rajmargyatra encroachment complaint module (with geo-tagged uploads, grievance tracking, and appeal mechanism), activation of toll-free number 1033 for encroachment complaints, and dissemination of both across highway signage, toll plazas, and media. Drone-based aerial surveys (DRAMS Policy Circular, 05.09.2025) shall be conducted at least twice annually, with six-monthly reports filed before this Court.

c) Encroachment Prohibition and Removal– Construction/operation of any new dhaba, eatery, or commercial structure within the Right of Way (ROW) of any National Highway is prohibited with immediate effect. District Magistrates shall enforce demolition/removal of all new or existing unauthorised structures within 60 days, in terms of the CNH Act procedure and SOP dated 07.08.2025.

d) Grant and Renewal of License, NOC or Trade Approval– No department, authority, or local body shall grant or renew any licence, NOC, or trade approval for any site within Highway safety zones without prior NHA/PWD clearance; all such existing licences for such sites shall be reviewed within 30 days.

e) District Highway Safety Task Force– In every district wherever the National Highway passes through, the concerned District Magistrate within 15 days of this order constitute a District Highway Safety Task Force in every district across India within 7 days of this order, comprising officers of the District Administration, Police, NHA (or concerned land – owning agency), PWD, and local bodies. The District Collector and Commissioner of Police/Superintendent of Police shall bear joint responsibility for timely encroachment removal. The Task Force shall hold fortnightly review meetings and maintain minutes. State Governments shall further issue notifications within 60 days prohibiting change of land use within 40 metres (residential) and 75 metres (commercial) from the mid-point of any National Highway, consistent with IRC norms; MoRTH shall facilitate uniform notifications across all States within the same period.

f) Surveillance, Patrolling and Illegal Parking– Dedicated Highway Surveillance Teams of State Police and Transport Department personnel shall be constituted within 30 days for regular National Highway patrolling, supplementing NHA's 24x7 route patrolling Vehicles at intervals not exceeding 50 km. All such vehicles shall necessarily be equipped with Vehicle Tracking Devices.

g) Operationalisation of ATMS – NHA shall operationalise its ATMS comprising TMCC cameras, VSIDS speed detectors, VIDS Cameras, Variable Message Signboards, and Emergency Call Boxes across all 4/6-lane highways and expressways in terms of the Policy Circular dated 10.10.2023 and shall file an affidavit within 60 days of compliance, further certifying operational status of each component. Any non-

operational units shall be made functional within 60 days.

h) Emergency Response and Wayside Amenities– NHAI is directed to deploy within a period of 60 days BLS ambulances and recovery cranes which can be deployed immediately at intervals not exceeding 75 km on every National Highway stretch, at toll plazas, Wayside Amenities, or dedicated posts, in affirmance towards the State's positive obligation under Article 21 of the Constitution of India to ensure prompt and timely emergency medical response.

i) Construction of Truck Lay-Bye Facilities – NHAI and MoRTH shall ensure construction of truck lay-bye facilities at intervals of every 75 km on all National Highways, with priority to the Amritsar-Jamnagar Highway, and shall operationalise the Wayside Amenities Policy dated 29.12.2025 strictly in accordance with its stipulated timelines; all WSAs shall include, at minimum, rest areas, food services, washrooms, safe parking, first-aid facilities, and retro-reflective signage visible from 500 metres, in full compliance with FSSAI standards.

j) NHAI/MoRTH may also consider providing for more or extra truck lay-bye facilities, wherever possible on the stretch of National Highway, as the drivers of heavy transport vehicles which are continuously being driven could be provided resting facilities.

k) Accident Black spots and Lighting– MoRTH/NHAI are directed to identify accident black spots and critical areas and publish a comprehensive list of Accident black spots on National Highways within 45 days. NHAI shall issue a Policy Framework mandating installation of high intensity LED/high-mast lighting, speed enforcement cameras, retro-reflective warning signs, and transverse bar markings at every black spot; full installation shall be completed within 4 months of the Policy Framework.

l) Institutional Co-ordination, Reporting and Road Safety Committee– MoRTH shall, within 60 days, place before this Court a report on the constitution of an Inter-State Highway Safety Coordination Committee for standardizing enforcement protocols including uniform driving-hour limits, surveillance standards, parking enforcement, and penalty regimes across State boundaries.

m) Compliance Report– It is further directed that all implementing agencies (NHAI, NHIDCI, State PWD, BRO) shall be jointly and severally responsible for compliance within their respective jurisdictions. MoRTH upon securing the consolidated district-wise and agency-wise compliance report shall file the same in a tabular form before this Court within 75 days from the date of uploading of this order.”

6. The petitioner should therefore make a representation before respondent No.3 and also Greater Hyderabad Municipal Corporation with a copy to respondent No.4, Department of Roads and Buildings. Needless to say, on such representation being made, the said authorities shall consider it in accordance with law, within a

timeframe, preferably, within eight (8) weeks from the date of receipt of copy of this order. The impugned directions will not come in the way in consideration of the representation made by the writ petitioner.

The instant Writ Appeal is, accordingly, disposed of. There shall be no order as to costs.

Miscellaneous applications, if any pending, shall stand closed.

//TRUE COPY//

**SD/- MOHD. ISMAIL
DEPUTY REGISTRAR**



SECTION OFFICER

To,

1. The Secretary, Union Of India, Home Affairs, South Block, New Delhi 110 001
2. The Director, Sardar Vallabhai Patel National Police Academy, At Shivrampally Road, R.R. District.
3. The National Highway Authorities of India, Represented by its Having office at G 5 and 6 Section 10, Dwarka New Delhi 110075.
4. The Chief Engineer, Department of Roads and Buildings, Having office at Errum Manzil, Hyderabad
5. One CC to SRI MOHAMMAD ADNAN, Advocate. [OPUC]
6. One CC to SRI N.BHUJANGA RAO, Deputy Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
7. One CC to SRI MADISHETTY RAMU, SC FOR NHAI. [OPUC]
8. Two CCs to GP FOR ROADS & BUILDINGS, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies.

BSK

TKS

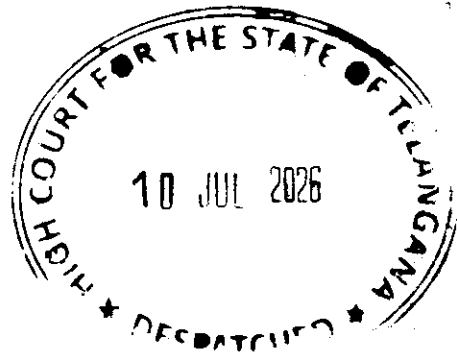


HIGH COURT

DATED: 30/06/2026

JUDGMENT

WA.No.562 of 2026



**DISPOSING OF THE WRIT PETITION
WITHOUT COSTS**

(12)
NT
10/7/26