



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

PUBLIC INTEREST LITIGATION NO.35 OF 2025

Anand Rajkumar Bangar

... Petitioner

VERSUS

The Union of India and Ors.

... Respondents

Appearance :

Mr. Anand Rajkumar Bangar (Party-in-person appears Through V.C.)

Mr. S. K. Tambe, Addl. GP for Respondent Nos.2, 5 to 8

Mr. Rohit S. Sarvadnya, Senior Panel Counsel for Respondent No.1

Mr. Anil S. Bajaj, Advocate for Respondent No.3

**CORAM : SMT. VIBHA KANKANWADI, J. &
NEERAJ P. DHOTE, J.**

RESERVED ON : 16th April, 2026

PRONOUNCED ON : 7th May, 2026

ORDER :

1. The Petitioner, an Advocate has filed this Petition in public interest with the following prayers :-

“A) This Writ Petition / Public Interest Litigation may kindly be allowed.

B) To Direct the Respondents by way appropriate Writ of Mandamus or appropriate Writ or Order or Directions to immediately cease the collection of toll on the National Highway No. 753F stretch

from Chhatrapati Sambhajinagar (Aurangabad) to Newasa Phata, Wadala Bahiroba, Ghodegaon, and Ahilyanagar (Ahmadnagar), until the road is restored to a safe and motorable condition in compliance with statutory and prescribed standards.

C) To issue Writ of mandamus or appropriate Writ, Order, or direction to the Respondent authorities or Appoint an independent Court Commissioner or technical expert committee comprising Judicial Officer / Imminent Legal Scholar, civil engineers, road safety experts or Competent Professionals to inspect the condition of the said highway and report on the status of maintenance, safety measures and accident risks, particularly focusing on the critical ghat area and the Stretch from Newasa to Ahilyanagar (Ahmadnagar) of the National highway 753F.

D) The Hon'ble court may please To issue Writ of mandamus or appropriate Writ, Order, or direction to the Respondent authorities and concerned authorities to undertake immediate and comprehensive repair, resurfacing, improvement, installation of road markings, reflectors, crash barriers, signage and emergency medical infrastructure on all parts of the said stretch of highway.

E) The Hon'ble court may please to issue Writ of mandamus or appropriate Writ, Order, or direction to direct the Respondents to refund all toll amount collected from users during the period the highway remained unserviceable or unsafe, along with interest at the prevailing bank rate and provide compensation for losses, injuries and damages sustained by commuters as reported as verified by the competent authority or Committee.

F) The Hon'ble court may please To issue Writ mandamus or appropriate Writ, Order, or direction for initiating the departmental inquiry and/or criminal investigation against the officers, Engineers,

Contractors or Agencies responsible for the negligence in maintenance and supervision of the said highway with suspension of such officials pending inquiry;

G) The Hon'ble court may please To issue Writ of mandamus or appropriate Writ, Order, or direction to Direct the respondents to take necessary and effective action and implement measures under National Road Safety policy (2010) and statutory measures to make the said stretch of National Highway 753F from Chhatrapati Sambhajnagar (Aurangabad) to Newasa to Ahilyanagar (Ahmednagar) in reasonable condition. safe and motorable condition.

H) The Hon'ble court may please To issue Writ of mandamus or appropriate Writ, Order, or direction to the Respondent authorities to blacklist and bar the contractors and associated companies from undertaking any future road works or government contracts being responsible for the failure to maintain the Highway and creating hazardous conditions of the the highway for the citizens.

I) The Hon'ble court may please To issue Writ of mandamus or appropriate Writ, Order, or direction to constitute a competent monitoring committee under this Hon'ble Court's supervision to ensure compliance with road safety norms, timely repairs and responsive grievance redressal mechanisms for commuters placed on the said stretch of National Highway No. 753F.

J) The Hon'ble court may please to Pass such other further, orders, directions or reliefs as this Hon'ble Court may deems fit and proper in the facts and circumstances of the case in the interest of justice, public safety, welfare and good conscience.”

2. According to the Petitioner, he is a resident of Chhatrapati Sambhajnagar (Aurangabad), Maharashtra. He regularly undertakes

travel to Pune and Ahilyanagar (Ahmednagar) via National Highway No.753-F for professional engagements and related work. He witnessed the dangerous and deteriorated condition of the stretch of the said National Highway from Chhatrapati Sambhajanagar (Aurangabad) to Newasa Phata to Ahilyanagar (Ahmednagar). He noticed multiple accidents of sudden overturning of trucks carrying heavy goods due to large potholes and sudden bursts. The accidents pose a grave and constant threat to the life and safety of fellow travellers, drivers of heavy vehicles and all road users. Despite such bad condition of the road, toll collection from the commercial vehicles was continued. He experienced the plight of daily commuters and professional drivers, who suffer from respiratory issues due to excessive road dust, spinal injuries caused by prolonged travel over pothole-ridden surfaces and significant property damage to vehicles as a consequence of hazardous road conditions. Approximately 20,000 vehicles commute daily on the said stretch. The said National Highway was vital economic and transportation artery connecting major industrial and popular cities, such as Jalgaon and Chhatrapati Sambhajanar (Aurangabad) with Ahilyanagar (Ahmednagar), Pune and Dighi Port. The deplorable condition of the said stretch of the road has increased the travel time. The ghat section on the said Highway lacks essential safety infrastructure, such as road

barricades, reflectors, proper road markings and duly placed signboards etc. The absence of such safety measures renders the climbing and descending riders perilous even during the daytime, exposing travellers to imminent risk of accidents and loss of life. The stretch approximately 117 kilometers from Chhatrapati Sambhajnagar (Aurangabad) via Newasa, Wadala, Bahiroba, Ghodegaon to Ahilyanagar (Ahmednagar) witnesses frequent transportation of heavy trucks carrying industrial equipment and goods essential for regional economic activities. The poor road condition had led to numerous serious accidents, including sudden breakdowns and overturning of heavily loaded vehicles, resulting in grave danger to the commuters. The collection of toll in the present circumstances was not just breach of statutory duty but an abuse of authority and public trust. The legal notice dated 20.10.2025 was sent by e-mail to the Ministry of Road Transport and Highways and Public Works Department (PWD). The Application under the Right to Information Act, 2005 (hereinafter referred to as 'the RTI Act') was submitted and in response to the same, he was informed to seek the information from the Public Works Department, Mumbai. The Application was submitted to the Public Works Department, Mumbai under the RTI Act and the response was awaited and so the PIL was filed with the aforesaid prayers, as the Respondents failed to perform

their duties and there was infringement of fundamental rights under Article - 21 of the Constitution of India to have streets in a reasonable condition.

3. This Court on 12.11.2025 issued notices to the Respondents and directed to add the Collectors and Superintendent of Police of Chhatrapati Sambhajinagar and Ahilyanagar.

4. An Affidavit-in-reply dated 05.12.2025 came to be filed on behalf of Respondent No.2 – State of Maharashtra, through Chief Secretary / Additional Chief Secretary PWD and Respondent No.6 – District Collector, Ahilyanagar sworn by Laxmikant Babanrao Jadhav, the Executive Engineer, World Bank Project (Public Works Division) Ahilyanagar. It is stated that, Respondent No.9 - Maharashtra State Infrastructure Development Corporation (For short 'MSIDC') was a necessary and proper party to the Petition, as the said Department was the concerned and responsible authority in relation to the subject matter of the Petition. The stretch of 41.600 kilometers of the National Highway No.753-F from Ahilyanagar to Wadala was handed over to Ashoka Buildcon and tenure of the said company expired in 2020 and the said stretch of road was free from toll. The stretch of 62.600 kilometers road from Wadala to Chhatrapati Sambhajinagar was being operated by Respondent No.3 -

KETI Sangam Infrastructure Company Ltd. up-to January – 2037 and it was responsibility of the said Respondents to maintain the road in good condition up to their tenure / concession period. Vide mutual Agreement dated 08.03.2024 between Respondent No.1 – Ministry of Road Transport and Highways, Union of India with State Government, it was decided to handover the said road to Respondent No.9 – MSIDC and accordingly, on 19.09.2024, the Government issued the Resolution, by which, the funds of Rs.410 Crores are approved for construction of new road. However, MSIDC declined to accept the work and Rs.8 Crores was sanctioned under budgetary provisions for repair of the Highway and repair work was allotted to three separate agencies by issuing tenders and the said work was in progress. 80% of repair work was completed and 20% of work would be completed by 15.12.2025. Due to the monsoon, the condition of the road was deteriorated. The Secretary of the Public Works Department of the Maharashtra State inspected the Highway on 28.09.2025 and submitted the proposal for additional budgetary provisions. The Government of Maharashtra sanctioned the amount of Rs.50 Crores for strengthening and black top work of the said Highway. The tender notices have been published and the tender process was underway. The repair work of the said Highway was in progress. Respondent No.6 – District Collector, Ahilyanagar had

prepared and submitted the proposal dated 21.11.2025 of Rs.158.10 Crores to the Commissioner of Kumbh Mela Pradhikaran, Nashik, including the said road for strengthening and renewal of total stretch work of the Highway from Ahilyanagar to Wadala. On 29.09.2025, the Chief Engineer, Public Works Department, Nashik has requested the State Government in respect of three options, which can be executed for maintenance and development of the said road. The same was pending before the State Government.

5. An Affidavit-in-reply dated 02.04.2026 came to be filed by Respondent No.5 - District Collector, Chhatrapati Sambhaji that, the stretch of the said Highway admeasuring 3.40 kilometers is under the administrative control, supervision, and maintenance of the office of the Executive Engineer, World Bank Project Department, Chhatrapati Sambhajinagar and the remaining portion of the State Highway No.5 falls under the jurisdiction and maintenance of the office of the Executive Engineer, World Bank Project, Public Works Division, Ahilyanagar. The said 3.40 kilometers stretch is in excellent condition and is fully motorable with no potholes and fit for the smooth flow of traffic. The status report regarding the condition of the Highway stretch was submitted by the Executive Engineer, World Bank Project Department, Chhatrapati Sambhajinagar and the same was enclosed with the Affidavit-in-reply.

6. There is another Affidavit-in-reply dated 09.01.2026 filed on behalf of Respondent No.2 – the State of Maharashtra, through Additional Chief Secretary, PWD and Respondent No.6 - District Collector, Ahilyanagar, in compliance of the order of this Court dated 22.12.2025. It is stated that, 41.600 kilometers National Highway No.753-F from Ahilyanagar to Wadala was handed over to Ashoka Buildcon and the tenure of the said company expired in 2020 and the same was free from toll. However, the stretch of 62.600 kilometers from Wadal to Chhatrapati Sambhajanagar was being operated by Respondent No.3 - KETI Sangam Infrastructure (India) Ltd. and the concession period was till January – 2037. It was the responsibility of Respondent No.3 - KETI Sangam Infrastructure (India) Ltd. to maintain the road from Wadala to Chhatrapati Sambhajanagar in good motorable condition along with its road furniture till 2037. The concessioner has to renew the whole pavement surface by Semi Dence Bituminous Concrete (S.D.B.C.) after expiry of every seven (07) years and for that particular length of stretch, the Government has allowed the concessioner to levy toll to the Heavy Motor Vehicle (KMV), excluding Light Motor Vehicle (LMV). As MSIDC did not respond to act according to the mutual agreement dated 08.03.2024, an urgent meeting was conveyed on 22.01.2026 by the State Government with MSIDC for discussing the issue and decision will be taken in the

meeting. It is stated that, the steps for strengthening the road from Ahilyanagar to Wadala will be taken by the State Government and from Wadala to Chhatrapati Sambhajnagar, which was constructed by Respondent No.3 - KETI Sangam Infrastructure (India) Ltd. on Build-Operate-Transfer (BOT) basis, appropriate directions have been issued for repair and maintenance of the said road.

7. The Respondent No.3 - KETI Sangam Infrastructure (India) Ltd. has filed Affidavit-in-reply dated 07.01.2026 stating that, they were appointed for the work of “Four Laning of Ahmednagar (Ahilyanagar) Aurangabad (Chh. Sambhajnagar) Road Section from Wadala to Aurangabad (Chh. Sambhajnagar)”. The concession period was till 22.03.2032 and the extension is granted till 07.02.2037, due to additional works, escalation and difference in prime lending rate etc. After the execution of Agreement dated 15.03.2007, the work was commenced as per the tender document on 15.03.2007 and after completion of 98% of work on 26.02.2009, the permission to collect and retain the toll charges was granted from 02.03.2009 onwards from both toll plaza at Limbe Jalgaon and Khadka Phata. After the transfer of the project from the answering Respondent to the Public Works Department, the said Department is supposed to carry further maintenance of the project. Out of the ghat region, only stretch of 11 kilometers from Newasa Phata to Wadala was covered under the

scope of work of Respondent No.3 - KETI Sangam Infrastructure (India) Ltd. and rest of the work was completed and executed by Ashoka Buildcon. The work of renewal after every seven (07) years was done in 2017 - 2018 and the next period for renewal was commencing from 01.04.2025 to 31.03.2026, however, from 27.11.2024 itself the answering Respondent initiated the work of renewal of the project length. The work of restoration was undertaken of the particular stretch and thereafter renewal work was completed, however, due to monsoon, the work was stopped and thereafter again started. Even in the monsoon period, whenever it was necessary, repair work was undertaken to see that the road was motorable. It is stated that, the answering Respondent has completed the work of restoration, i.e. repairing damaged road sections to improve safety, smoothness, and durability by cutting the distress area by Milling Machine and then laying dense bituminous macadam in the portion removed by cutting for restoration of the distressed surface before carrying out renewal by semi dense Bituminous concrete up-to 45 kilometers and after the restoration of the road, the work of renewal would start. The work of raising the height of the divider / median of the road to its original position was undertaken. The contention in respect of grave violation and deficiencies in construction of project is denied. Since 01.06.2015, the toll was collected only from Light

Commercial Vehicle, Trucks, Multi axle vehicles etc. and the Light Motor Vehicles and S.T. Buses / School Buses were exempted from payment of the toll all over Maharashtra. Further, the additional Affidavit-in-reply dated 16.04.2026 is filed on behalf of Respondent No.3 - KETI Sangam Infrastructure (India) Ltd. stating that, due to the ongoing war-like situation in the Gulf countries, there was non-availability of Bitumen and considering the scarcity and over-all situation, the authorities granted the further period for completion of the remaining work until May – 2026.

8. The Respondent Nos.7 and 8, the Superintendent of Police, Chhatrapati Sambhajinagar (Rural) and Ahilyanagar, respectively, filed reply Affidavits through the Police Inspector of the concerned Police Station in respect of the accidents which took place between January – 2025 and December – 2025 and the steps taken to manage traffic on the said road.

9. Lastly, there is Affidavit-in-reply dated 09.04.2026 by Respondent No.2, Additional Chief Secretary, Public Works Department, Mantralaya, Mumbai. It is stated that, the Affidavit reply was filed pursuant to the order dated 17.03.2026 of this Court by giving the necessary details in respect of the subject road. It is stated that, Pune – Chh. Sambhajinagar National Highway No.753-F

is of total 224.60 kilometers in length and is divided in four (04) parts. As far as Part-I of the road is concerned, it is presently with MSIDC, where four-lane at-grade level and six-lane elevated highway on Design-Finance-Build-Operate-Transfer (DFBOT) basis is sanctioned, and the work is allotted to the concessionaire, who would start the work soon after he achieves financial closure. In respect of Part-II of the road, it is stated that, the same is allotted to M/s Chetak Enterprises Ltd., Nimbhera, on BOT basis for the purpose of development and maintenance till the end of concession period, which was up-to 19.04.2026 and extendable up-to 18.02.2029 towards the financial claims raised by the said entrepreneur. As per the terms and conditions of contract, the concessioner has to renew the whole road by bituminous wearing course after every six (06) years during concession period and maintain the road in good condition throughout concession period. The concessionaire has carried out renewal by black topping of the road of 37.6 kilometers up-to this date and remaining 21 kilometers renewal of the road was in progress and it is instructed to concessionaire to complete renewal of balance length at the end of May – 2026. In respect of Part-IV, it is stated that, the same was allotted to Respondent No.3 - KETI Sangam Infrastructure (India) Ltd. whose concession period up-to January – 2037 and the said Part-IV of the road was being maintained as per the terms and

conditions of the contract. In respect of Part-III of the road, the same was allotted to the Ashoka Buildcon and the concession period came to an end on April – 2020 and the said road was constructed and maintained as per the terms and conditions of the contract throughout the concession period. Thereafter, by the Government Resolution dated 19.09.2024, the said road length was directed to be handed over to MSIDC. However, due to change in toll policy by the Union Ministry of Road Transport and Highways, i.e. Respondent No.1, the BOT project could not be made financially viable and hence no entrepreneur would come forward to take up this work. In the meeting dated 05.02.2026, the MSIDC officials expressed their inability to take over the said length on BOT basis due to non-viability of the project. The MSIDC has submitted and proposed that, the State Government should buy back the above said BOT projects and further provide for the land acquisition and utility shifting of the greenfield highway and then the MSIDC would develop the existing road as well as the green field highway on BOT basis and the State Government plan to undertake the said Highway and further improvement of existing Pune to Chh. Sambhajinagar Highway as per availability of funds. It is further stated that, in order to make the said length motorable, the maintenance work of pothole filling of Rs.8.00 Crores was executed by the State PWD in 41.6 kilometers

length. As the road was badly damaged, the PWD, State Government has sanctioned Rs.50.00 Crores for renewal of bad patches in the said road length of 41.600 kilometers. Accordingly, the work order was issued to contractor M/s Datta Digambar on 26.02.2026 and the time limit of six (06) months was given to complete the work and the work was in progress. It is lastly stated that, the renewal of 18 kilometers length of badly damaged stretches from 41.600 length will be done at various locations as per site requirements. Most of the bad stretches are planned to be completed before monsoon so that there would be no inconvenience for the traffic and for renewal and improvement of the balance length of about 23.40 kilometers, necessary approvals would be accorded by the Government as per prioritization of the work vis-a-vis availability of funds. As for the development of the entire length from Shirur to Chh. Sambhajinagar, the proposal as submitted by the MSIDC would be discussed and considered at Government level and appropriate actions would be taken as per the directions and sanctions of the competent Government Authorities.

10. This Court, in **Public Interest Litigation No.71/2013 (High Court On Its Own Motion Vs. The State of Maharashtra & Ors.)**, by order dated 13.10.2025, a copy of which is enclosed to the Petition as Exhibit – I, has observed that, *it has been repeatedly held that, the right to have roads in good condition is a part of the*

fundamental right guaranteed under Article – 21 of the Constitution of India, and that such right necessarily includes the rights to have roads free from obstructions, dangers, or risks. Where a fundamental right exists in favour of the citizens, a corresponding obligation is cast on the concerned authorities to ensure that the said right remains available and can be effectively exercised by the citizens. It is equally the obligation of the authorities to ensure that they do not infringe the rights guaranteed under Article – 21. Over the last three to four decades, the Apex Court has considerably expanded the scope of the right to life under Article 21 of the Constitution, recognising that it includes the right to live a meaningful and dignified life. If roads are riddled with potholes, or are otherwise in a dangerous condition, they endanger the lives of citizens. Numerous accidents caused by bad roads, resulting in deaths and serious injuries, undoubtedly amounts to violation of the fundamental right guaranteed under Article 21. The right to have roads in a reasonable condition is a part of fundamental right guaranteed under Article – 21 of the Constitution of India. The basic object of constructing roads is to allow the passage of vehicles. The State is under a constitutional and legal obligation to ensure the safety, welfare and convenience of the public, which includes the provision of proper means of transport. Bad roads not only endanger human lives but also have adverse consequences for the economy,

including the financial health of companies. It is imperative that the State agencies discharge their constitutional and legal obligations by ensuring proper roads throughout the year. Failure to do so, results in a clear infringement of the valuable fundamental rights of citizens, and exposes these authorities to serious legal consequences.

10.1 In **Umri Pooph Pratappur (UPP) Tollways Pvt. Ltd. Vs. M. P. Road Development Corporation and Another; AIR 2025 SC 3549**, the Hon'ble Apex Court noted that, *since the right to access any part of the country, with certain exceptions and restrictions under certain circumstances, is a fundamental right guaranteed under Article 19(1)(g) of the Constitution, and the right to safe, well-maintained, and motorable roads is recognised as a part of the right to life Under Article 21 of the Constitution of India, it is the responsibility of the State to develop and maintain the roads directly under its control.*

10.2 In **In Re: Phalodi Accident Vs. National Highways Authority of India and Others; 2026 SCC Online SC 646**, the Apex Court observed that, *the National Highways constitute approximately 2% of India's total road length but account for nearly 30% of all road fatalities. A road, particularly a high-speed Expressway, must not become a corridor of peril due to administrative*

lethargy or infrastructural gaps. The loss of even a single life to avoidable hazards like illegal parking or blackspots etc., represents a failure of the State's protective umbrella. The "Right to Life" enshrined under Article 21 of the Constitution of India is not merely a guarantee against the unlawful taking of life, but a positive mandate upon the State to ensure a safe environment where human life is preserved and valued.

11. The Affidavit-in-replies filed by the respective Respondents are considered above. Though the State Government has allotted the work of constructing and maintaining the subject road, the State Government and its instrumentalities does not get relieved of its responsibility to provide roads in good condition for all purposes. The Affidavit-in-reply from Respondent No.2 – State, through the Additional Chief Secretary, PWD, considered above shows that, most of the averments in respect of factual aspects in the said Affidavit are previously placed on record by way of Affidavits of the other Respondents, who are the State and its instrumentalities. Be that as it may. In the concluding Paragraph of the Affidavit-in-reply dated 09.04.2026 by Respondent No.2 – State, through the Additional Chief Secretary, PWD, it is stated that, *the sanctioned project cost of Rs.50.00 Crores, out of 41.600 km length, renewal of about 18 km length of badly damaged stretches will be done at various locations as*

per site requirements. Most of these bad stretches are planned to be completed before monsoon so that there would be no inconvenience for the traffic. The same is taken as an undertaking from the State. The monsoon is not far. We hope that, the said statement in respect of fixing the damaged stretches before monsoon is put to execution well in advance before the onset of monsoon. When such a statement is made on Affidavit that the road would be made roadworthy before monsoon, we may appoint a Committee to inspect the work done. Further, we expect that the work that would be carried will not cause any inconvenience to the traffic and would also ensure proper leveling of the road, as it is experienced and even supported by the experts opinion that the edges of repaired roads (such as filling potholes with tar and other material) raise the level of the road and the edges cause damage to the tyres of the vehicles. It may cause problem in balancing a two-wheeler and therefore the PWD department should ensure that the level of the road is properly maintained. The PWD also should take the guarantee of the work from the contractor and if it is found that the work is of inferior quality, then not only the work should be got done from the same contractor but also he should be fined and blacklisted. The PWD as well as the contractor cannot play with the lives of the commuters.

12. In respect of the statement in the above-referred Affidavit-in-reply dated 09.04.2026, that *for renewal and improvement of the Balance Length of about 23.40 km, necessary approvals would be accorded by the Government as per prioritization of the work vis-a-vis availability of funds. As for the development of the entire length from Shirur to Chh. Sambhajinagar, the proposal as submitted by the MSIDC would be discussed and considered at Govt. level and appropriate actions would be taken as per the directions & sanctions of the competent Government Authorities,* the same appears without any concrete assurance. It is needless to state that, the public cannot be deprived of good, motorable roads for want of funds. We, therefore, deem it appropriate not to dispose of the PIL finally and to keep it alive for the purpose of having some concrete decision, with a timeline, from the Respondents in respect of the subject roads. We expect that, some concrete decision is taken by the Government so as to give shape to the above-referred statement in the Affidavit-in-reply of the Additional Chief Secretary, PWD. We are keeping the PIL for further consideration for reporting compliance in respect of fixing the damaged stretches on the subject roads before monsoon and expect concrete proposal with response in respect of improvement of the balance length and development of the entire length of the subject road with time-line. Further, an Affidavit of Respondent No.2,

through the Additional Chief Secretary, PWD be filed in respect of the status about 23.40 kilometers, as well as the status of the repair work carried out in respect of 18 kilometers as on 8th June, 2026. Such Affidavit to be filed on or before 9th June, 2026.

13. List on **16th June, 2026.**

[NEERAJ P. DHOTE, J.]

[SMT. VIBHA KANKANWADI, J.]

Sameer