

In Re: Phalodi Accident Vs. National Highways Authority of India and Ors.

Suo Moto Writ Petition (Civil) No. 9 of 2025 · Supreme Court of India · 2026-04-13 · J.K. Maheshwari · Atul S. Chandurkar · F2J-C-1168

Full judgment text

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[Suo Moto Writ Petition (Civil) No. 9 of 2025]

[W.P.(C) No. 1100 of 2025]

1. Following the tragic loss of 34 lives in successive road accidents on November 2nd and 3rd, 2025, in district - Phalodi¹, Rajasthan, and district - Rangareddy², Telangana, this Court vide order dated 10.11.2025³ took suo-motu cognizance of the systemic negligence and catastrophic infrastructure failures that led to these evitable casualties.

Recognizing such lapses as a grave infringement on the right to safe passage and a dereliction of statutory duty by authorities, who addressed illegal encroachments in the aftermath of the tragedies occurred, the Court issued notice to State and National authorities, demanding a comprehensive report on these egregious administrative failures and the resulting threat to public safety. Mr. A.N.S. Nadkarni, Senior Advocate was also appointed as Amicus Curiae to be assisted by Mr. Jai Anant Dehardrai, Advocate-on-Record and Mr. Sughosh Subramanyam, Advocate.

2. Various suggestions and recommendations were accordingly made by the learned Amicus Curiae on 15.02.2026. Thereafter, on 16.02.2026, the learned Solicitor General and the learned Amicus Curiae were directed to sit together and find out the areas in which (i) further deliberations were required, (ii) the areas of improvement and (iii) the areas of immediate improvement for which directions were necessitated.

3. Accordingly, on 16.03.2026, NHAI placed its comments on record. Thereafter on 08.04.2026, an additional affidavit has been filed by the NHAI in response to the interim directions that were proposed to be issued in the proceedings.

4. At the request of the Court, the learned Solicitor General and the learned Amicus Curiae have today jointly tendered suggestions indicating the nature of interim directions that could be considered for being issued during pendency of the present proceedings. We have considered the said suggestions and recommendations as jointly made by the learned Amicus Curiae and the learned Solicitor General. We find the same to be practical in nature and necessary to be issued. Accordingly, the following interim directions are issued:

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 - timestamped 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 others⁴. NHAI shall simultaneously confirm full operationalisation of the Rajmargyatra encroachment complaint module (with geotagged 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 NHAI/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, NHAI (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 NHAI'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 - NHAI 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-By Facilities - NHAI and MoRTH shall ensure construction of truck lay-by 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-by 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 Blackspots and Lighting - MoRTH/NHAI are directed to identify accident blackspots and critical areas and publish a comprehensive list of Accident blackspots 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 blackspot; 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 standardising 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.

5. It is seen that 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.

Therefore, recognizing the safety of the commuter as an integral facet of the right to live with dignity as a constitutional obligation under Article 21 of Constitution of India, it is necessary in the interest to address the systematic root causes that these interim directions are issued in exercise of powers under Article 142 of the Constitution of India. We reiterate that no pecuniary or administrative constraint can outweigh the sanctity of human life, and the strict timelines provided herein reflect the urgency of this constitutional obligation.

6. The Registry of this Court is further directed to send a copy of this order to the Chief Secretary/Administrator and Director General of Police of all States and Union Territories, State Legal Services Authorities, and National Highways & Infrastructure Development Corporation Limited. The respective authorities may take appropriate steps to coordinate with and facilitate all stakeholders for the purpose of carrying out the directions passed by this Court. It is further made clear that, in case there are issues regarding compliance, the parties are at liberty to approach this Court.

7. The Registry is further directed to forward a copy of this order to the Road Safety Committee headed by Hon'ble Justice (Retd.) Abhay Sapre in continuation of the practice as directed in Gyan Prakash (supra). MoRTH shall also place before this Court the Committee's recommendations insofar as they pertain to the causes of highway accidents addressed herein within 75 days.

8. List after two months for reporting compliance.

.....J. [J.K. Maheshwari]

.....J. [Atul S. Chandurkar]

New Delhi,

April 13, 2026.

1 reported in article namely "12 pyres lit together in Jodhpur accident: After 15 deaths on Bharatmala Expressway, authorities launch crackdown, removing illegal roadside dhabas" published on website of Bhaskar English.

2 reported in article "19 dead as gravel truck ploughs into govt. bus near Hyderabad" published in "The Hindu" on 4th November, 2025

3 Phalodi Accident, In re, 2025 SCC OnLine SC 2428

4 2025 SCC OnLine SC 1189

Source disclosure: Complete sanitized public judgment text retained for research; official-primary replacement remains pending.

Disclaimer: General information only. Verify the current legal position and obtain professional advice before acting.