
In Re Phalodi Accident v NHAI
Factual Background
Suo Motu Safety Proceedings
Suo Moto Writ Petition No. 9 of 2025
Interim directions issued on April 13, 2026
Inspect highways and remove ROW encroachments
NHAI Enforcement & Demolition
Demolition notices issued by NHAI and state PWD
Removal drives along major routes like NH-48
Private Ownership Claims
Filed by hotel, petroleum, and local business operators
Asserted structures on private land with registered sale deeds
Disputed Demarcation
Challenged NHAI land surveys and boundary measurements
Individual ownership claims ignored
Statutory notice procedures bypassed
Appeals for Relief
Fear of immediate demolition without hearing
Seeking April 13 directive clarification
Protection against coercive action or formal acquisition
Legal Issues
Scope of General Directives
Whether general orders authorize demolition without verification
Mandatory Due Process
Compliance with Section 26 of CNH Act 2002
Disputed Title Adjudication
Resolving survey maps, revenue records, and land history
Judicial Forum
Supreme Court versus jurisdictional High Courts
Interim Protection
Entitlement to stay orders pending adjudication
Court Holding
Due Process Maintained
General directives do not override statutory rights
Section 26 Compliance
Strict adherence to notice and hearing procedures required
Relegation of Disputes
Applicants relegated to respective High Courts
Interim Protection Extended
Protection continued until High Court proceedings conclude
No Equity for New Encroachments
Relief applies strictly to existing disputed structures