

Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.11/2022

Date of Order: 19.07.2023

Kynjaimon Amse Vs. National Highways Authority
of India (NHAI) & ors.

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner

: Mr. S. Panthi, Adv

For the Respondents

: Mr. S. Sengupta, Adv for R/1
Mr. K. Khan, AAG with
Ms. Z.E. Nongkynrih, GA

Reports have been filed by both the State PWD (Roads) and the National Highways Authority of India pertaining to the Jowai to Ratacheera stretch of the NH-6.

2. The real problem pertains to a 7-km stretch which is virtually unmotorable at the moment and is known as the Jowai Bypass that links Thadlaskein to Mihmyntdu and vehicles intending to go to the Khliehriat side without stopping at Jowai take such bypass to avoid the urban congestion in Jowai. Though the rest of NH-6 is maintained by the NHAI, the roughly 7-km stretch of the Jowai Bypass is maintained by PWD (Roads) and such stretch is in a pitiable condition and the state of the road is such that heavy vehicles suffer serious breakdowns and lesser vehicles

these days take the longer route through Jowai than hazard the risk of taking the bypass.

3. The status report filed by the State PWD (Roads) has appended photographs of the repair work of the pavements being undertaken and of the road. As noticed earlier, it is the State's submission that the heavy rains in the month of June, 2023 did not allow the repair work that had been undertaken prior thereto to settle down and washed away the blacktop.

4. According to the State, the same contractor is undertaking the repair work and the same should be completed within reasonable time.

5. Almost half the monsoon season is over and during such period the bypass has well-nigh remained unmotorable. As indicated earlier, road construction or repair works have to take into account the heavy rains here in the monsoon and it will not pass an excuse to suggest that because of the monsoon or a few spells of heavy rain, the road has been damaged to the extent that it has been.

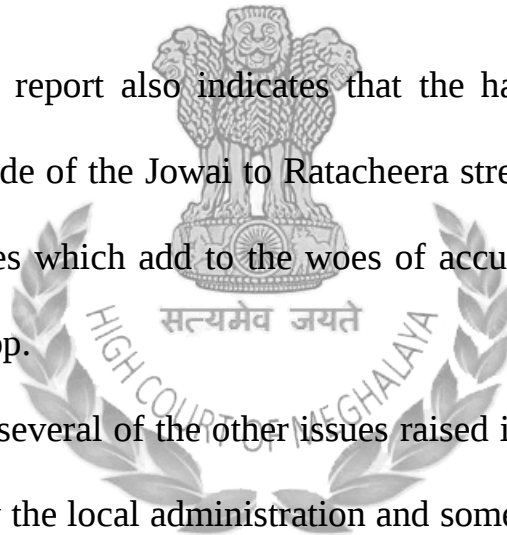
6. It is hoped that the balance repair work is completed within this month and extra care is taken to undertake patchwork, wherever necessary, for the remainder of the monsoon season to ensure that the colossal waste of vehicles needing to travel the extra 30 km or so by avoiding the bypass is no longer necessary.

7. The petitioner points out that the report filed by the NHAI indicates certain man-made problems which ought to be addressed by the State. For instance, car wash outlets have sprung up along the State and national highways in the State without any drainage system or any parameters apparently being put in place in such regard. As a result, the water from such car wash places run down the highways or form puddles at places causing additional damage than what the monsoon rains may cause.

8. The NHAI report also indicates that the haphazard laying of pipelines along the side of the Jowai to Ratacheera stretch has resulted in leaks in several places which add to the woes of accumulated water and erosion of the blacktop.

9. These and several of the other issues raised in the NHAI report must be addressed by the local administration and some parameters put in place for car wash units to adhere to, including payment of license fees or the like. Both the State and the NHAI will file further reports when the matter appears next four weeks hence.

10. The State would do well to convene a meeting with the representatives of the NHAI and the local administration to address the particular problems pertaining to the Jowai-Ratacherra stretch of NH-6.



11. List on August 18, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya

19.07.2023

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