

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.11/2022

Date of order: 18.08.2023

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

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice B. Bhattacharjee, 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. R. Colney, GA

Though the matter pertains to the Jowai Bypass to Ratacherra stretch of NH-6, the real problem lies in the Jowai Bypass. As far as the stretch from Mihmyntdu to Ratacherra through Khliehriat is concerned, for which the National Highways Authority of India is responsible, it is submitted that the problem area is only at and around the Sonapur tunnel and apart from such stretch, which is prone to landslides and waterlogging particularly during monsoon, the rest of the stretch has been repaired and potholes that develop due to the rains are being attended to on a regular basis.

2. However, the Jowai Bypass from Mukhla (Thadlaskein) to Mihmyntdu is in an absolutely abominable condition. Passenger

vehicles are unable to navigate because of the deep potholes and heavy vehicles suffer regular breakdowns, which has resulted in the bypass being altogether abandoned by most of the vehicles going towards Ratacherra and the internal roads in Jowai regularly getting clogged because of heavy vehicles passing through.

3. A report has been filed by the State PWD (Roads) but it does not appear that apart from discussions and the tea and coffee in between, anything concrete or even remotely bituminous has been done. The petitioner complains that the ordinary work of filling up the potholes with stone-chips has not been undertaken, though the photographs appended to the PWD report show some repair work to have been completed.

4. It has been observed in previous orders that the rains or the monsoon cannot be an excuse for a road being reduced to the state that the Jowai Bypass has been since it is well known that this is one of the wettest places on the earth and the monsoon rains this year have not been any more than previous years; indeed, it has been somewhat less than the average.

5. Now that the monsoon rains are receding, there is no further excuse for the potholes not being attended to and patch-work being

undertaken before the more regular surface can be prepared. It may not be out of place to mention that the nature of the Jowai Bypass, the excuses proffered and the continuing expenses for the upkeep of the road indicates some other nexus that may not be conducive either to the proper maintenance of the road or in larger public interest.

6. The Secretary of the PWD in the State will personally visit the site and ensure that the major potholes are filled up within the next fortnight and patch-work undertaken such that at least the heavy vehicles do not suffer breakdowns or are tempted to take the longer route through Jowai town by avoiding the bypass.

7. While on the subject, the PWD (Roads) will do well to attend to all potholes that have surfaced as a result of lack of maintenance of the State roads or because of the rains, including in and around the major towns, particularly Shillong.

8. The matter will appear four weeks hence.

9. List on September 20, 2023.

(B. Bhattacharjee)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
18.08.2023
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