

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.11/2022

Date of order: 20.09.2023

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

It is a matter of serious concern that despite the contrary representations made by the National Highways Authority of India to this Court in course of the present proceedings that the stretch of NH-6 from Jowai to Ratacherra is in good condition, except for stretches on either side of the Sonapur tunnel, the reality is otherwise.

2. For the nearly 2-km stretch as the NH-6 winds through Khliehriat town it may not be surprising to see local gentlemen with fishing rods on the side waiting for a spot of rain to allow them to indulge in fishing in the craters along the way. Further down and beyond Khliehriat, the road almost does not exist and there have been

repeated complaints by local residents and the district administration and even a committee of MLAs to the NHAI, but to no avail.

3. The matter came to light in course of a legal awareness camp conducted last weekend near Khliehriat and the locals complaining of the pitiable condition of the road up to Ratacherra. There were also reports that a Central agency has undertaken an investigation and questioned some NHAI officials and representatives of the contractors, which has resulted in NHAI taking little or no notice of such crucial stretch of road that connects the rest of the country to the Barak Valley, Tripura and Mizoram, in particular.

4. It does not appear that adequate money has been allocated to carry out the regular repair work. It also appears that offers may have been invited for some stretches of the road with no takers or a solitary offer being received. It would do well for the regional head of the NHAI in the North-East to personally visit the site and drive the stretch from Jowai to Ratacherra and file a report, both as to the condition of the road and as to steps that would be taken immediately. The present condition results in trucks and other vehicles regularly turning turtle or meeting with a breakdown that further impedes the flow of traffic.

5. Counsel appearing for the NHAI will ensure that the highest ranking official of NHAI posted in North-East travels the stretch of road within the next week so that a report is filed by the end of next week. The present condition is totally unacceptable, monsoon or otherwise.

6. The petitioner adds that the Sonapur tunnel was too short and it was plain to see before the construction was undertaken that there would be heavy landslides at either end. The petitioner points out that despite orders in this matter, including the one passed on June 21, 2023, no steps have been taken by the NHAI to take care of the stretches on either side of the Sonapur tunnel.

7. A copy of this order will be reached to the Chairman or the highest authority of the National Highways Authority of India for immediate appropriate action to be taken altogether with an explanation as to why the North-East has to suffer such colossal inaction.

8. The matter will appear on September 28, 2023.

(B. Bhattacharjee)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
20.09.2023
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