

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 11 of 2022

Date of order: 06.11.2024

Kynjaimon Amse (since deceased)	vs	National Highways Authority of India (NHAI) & ors.
------------------------------------	----	---

Coram:

Hon'ble Mr. Justice I.P. Mukerji, 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. A. Thungwa, GA

The subject-matter of this PIL is a stretch of 102.255 km of national highway (NH-6) between Jowai and Ratacherra.

This highway is a kind of lifeline for Meghalaya, Tripura and Mizoram.

We have gone through the report of Mr. Suraj Panthi, Advocate, learned Amicus Curiae appointed by this Court in this public interest litigation (PIL). The photographs which have been annexed to this report show some portion of the highway NH-6 in a severely damaged condition, so much so that it would be impossible for vehicles to pass. But the report does not mention the location of this portion.

Mr. S. Sengupta, learned counsel appearing for National Highways Authority of India (NHAI) submits that if this location was indicated, he could have instructed his client to take immediate suitable measures.

In that view of the matter, Mr. S. Panthi, learned Amicus curiae is requested to immediately inform the NHAI about the location and approximate length of this part of the damaged highway.

Further to orders of this Court, the NHAI has also filed a report in this Court. The photographs of this report however, show that extensive road construction, repair and maintenance work has been undertaken by the said authority in NH-6.

The damaged portion as pointed out by the learned Amicus Curiae is about 45 km out of 102.255 km. The very badly damaged portion as indicated earlier covers about 5 km. According to the report of the said authority, 2 km of the stretch of the highway has been strengthened by undertaking bituminous work, 7 km of drains have been constructed and “reinforcement binding for 5 km of drain construction” is in progress.

We have no doubt that the NHAI has every good intention to carry out our order. However, we are constrained to remark that the

pace at which the work is progressing is rather slow. In those circumstances, we direct that the very badly damaged portion of the section of the highway stretching about 5 km as stated above should be repaired or reconstructed by NHAI within two months of communication of this order. Within two weeks of communication of this order, emergency measures have to be taken by NHAI so that till the regular work is carried out, the said part of the highway is reasonably pliable by vehicles. The rest of the 45 km should be completed way before the onset of the next monsoon, within five months from date. The authority should ensure that work done is of such quality that it is not easily damaged by rain and other weather conditions in future.

The state government shall pay remuneration to the Amicus Curiae ad hoc assessed Rs. 30,000/- by 10th December, 2024.

List this PIL on 11th December, 2024.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
06.11.2024
"Sylvana PS"