

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 11 of 2022

Date of order: 03.03.2023

Kynjaimon Amse vs National Highway 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. with
For the Respondents : Mr S. Sengupta, Adv. [For R 1]
 Mr K. Khan, Sr GA

The matter pertains to the repair work on the Jowai to Ratacherra highway. Indeed, the focus is on the stretch of the road that branches off at Thadlaskein towards Khliehriat and goes beyond Khliehriat to Silchar, Agartala and the rest of the southern part of the North-East States.

Status reports have been filed both by the National Highways Authority of India and by the State PWD (Roads). It appears that the bypass stretch, meaning the stretch from Mihmyntdu till almost the toll plaza near Ladrymbai, is under the jurisdiction of the State PWD whereas the rest of the highway is managed and monitored by the NHAI.

Prior to the construction of the bypass, vehicles would have to go up to Jowai and go through Jowai to Khliehriat before continuing the

journey towards Silchar. Upon the bypass coming up, the stretch has been lessened and vehicles do not have to encounter the narrow roads or the further travel all the way to Jowai and can branch off at the bypass towards Khliehriat. On an approximation, the bypass saves close to 35-40 km of the stretch that would have passed through Jowai. This portion of the road – the bypass – is in a terrible condition and has been in such a state for more than six months with further deterioration by the day. Heavy vehicles taking the highway through the State to reach the States of Tripura, Mizoram, Manipur and the Barak Valley in Assam would, obviously, take the bypass and not take the longer route through Jowai. It somewhat defies logic that when the bypass appears now to be an integral part of the highway, that such stretch of the road should be maintained by the State PWD and not by the NHAI.

The State PWD says that though a contractor was identified and the work for repair and reconstruction of the road surface along the bypass was awarded, the contractor pointed out that the scope of the work was much enlarged than had been originally indicated. Following this, the entire extent of the contract has been re-worked and the State submits that the repair work would be completed by June next.

More than anyone else, the State PWD should be aware that the rains begin here prior to the monsoon setting in and continue beyond what is regarded as the monsoon season in the rest of the country. Meghalaya is about the wettest State in the country and the extent of the rain impedes road construction just as the volume of the rain washes off the surface since bitumen is water-soluble.

Though it is submitted by the State that the routine repair work on a large scale is carried out every four years or so, the relevant bypass has been in a pitiable condition for more than a year and almost a minefield for the last six months. The PWD and NHAI should consider whether this integral part of the road that leads to the other States and should be taken over by the NHAI to ensure better and proper maintenance.

At any rate, immediate repair work should be carried out to make the road motorable as the potholes result in regular breakdown of heavy vehicles along the bypass. The matter will appear four weeks hence for the State and the NHAI to report on the progress.

As far as NHAI is concerned, it submits that the entire stretch of the road from Jowai to Ratacherra has been repaired except for a stretch of 350 metre where, due to water seepage, other measures were required

to be taken before the repair work completed. However, NHAI reports that the repair of the 350 metre stretch would be complete within a week or so.

List on March 31, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
03.03.2023
"Sylvana PS"

