

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 11 of 2022

Date of order: 13.06.2023

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.
For the Respondents : Mr S. Sengupta, Adv. [For R 1]
 Mr K. Khan, AAG with
 Ms R. Colney, GA

Status reports have been filed both by the State pertaining to the Jowai bypass and by the National Highways Authority of India pertaining to the rest of NH-6 between Jowai and Ratacherra.

2. Judicial notice is taken of photographs published in Shillong newspapers over the last couple of days indicating the treacherous condition of the Jowai bypass despite the repair work apparently having been completed by the State PWD (Roads). Indeed, the petitioner has carried photographs to demonstrate that the repair has not even lasted a couple of days.

3. While it is appreciated that bitumen is water-soluble and heavy rains may affect the road conditions, yet all this has happened before the

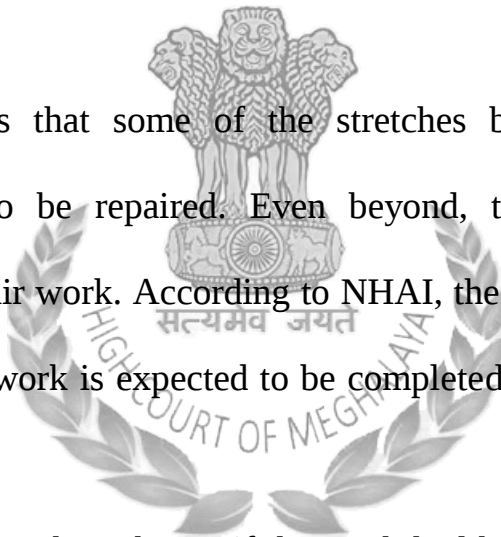
monsoon has set in. Further, it can be no excuse, particularly given the heavy rains in this part of the country during the monsoon, that the roads will remain unmotorable during the rainy season. The repair work has to be undertaken keeping in mind the weather and climatic conditions and the extent of rainfall that the road has to endure.

4. Mr Khan is requested to meet senior officials of the State PWD (Roads) so that the matter can be taken care of before the actual onset of monsoon.

5. NHAI says that some of the stretches between Jowai and Khliehriat need to be repaired. Even beyond, the Sonapur tunnel requires some repair work. According to NHAI, the contract is about to be issued and the work is expected to be completed by the end of July, 2023.

6. It would have been better if the work had been completed prior to the heavy rains setting in. However, since it is too late in the day to expect the work to be completed over the next week or so, NHAI should ensure that extra care is taken that the repair work undertaken in the midst of rains is not immediately washed away.

7. Both the NHAI and the State should report on the progress on either stretch when the matter appears next week.



8. The petitioner points out that landslides that have taken place several months back on the Malidor to Ratacherra stretch have not been taken care of yet. If such is the position, NHAI should look into such aspect of the matter and ensure that the debris is cleared and the necessary repair work undertaken at the earliest. The highway is a crucial link to the south-eastern part of the North-East and has to be maintained in good motorable condition throughout the year.

9. List on June 21, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
13.06.2023
"Sylvana PS"

