

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 11 of 2022

Date of order: 21.06.2023

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

A report has been filed by the State PWD (Roads) pertaining to Jowai bypass under NH-6 (NH-44), which is a 7.997 km stretch from Mukhla (Thadlaskein) to Mihmyntdu. According to the report, the repair work began at a time when heavy rainfall and floods occurred. Further, the report reveals that because of the heavy traffic on the bypass, vehicles had to be allowed to ply immediately upon the bitumen layer being laid without the layer being given time to settle.

2. However, the contractor has been required to rebuild the damaged portions of the bypass and photographs have been appended to the report indicating the repair being undertaken at the 5th km.

3. Apart from this, the report indicates that work is on for the roadside drain clearance along the entire bypass to ensure that there is

no accumulation of water on the road surface. Photographs of the roadside drain clearance works have also been appended to the report.

4. It is hoped that the repair work on the bypass is completed as expeditiously as possible and some amount of continuing repair work undertaken even during the monsoon as the wear and tear of the road is more pronounced during such period.

5. As far as the road beyond Khliehriat is concerned, on the Ratacherra side, the National Highways Authority of India refers to the landslides near the Sonapur tunnel. According to NHAI, the entire road was previously under the State PWD and has recently been taken over by NHAI. The landslides around the tunnel have made it extremely difficult for the tunnel to be navigable and NHAI says that sufficient manpower has been engaged to remove the mud and debris and make the tunnel available to the heavy traffic passing either way. The NHAI complains that the tunnel is in an area which is prone to landslides and, oftentimes, the slush chokes up the entirety of the tunnel.

6. The NHAI should take remedial measures and consider placing rocks and nets or building retaining walls on the sides of the mountain on either side of the tunnel to ensure that the landslides do not affect navigability along the route. The NHAI says that it is exploring the nature of additional work that is necessary to allow the Sonapur tunnel

to function normally and appropriate action in such regard will be taken expeditiously.

7. In view of the report filed by the State pertaining to the Jowai bypass and the submission made on behalf of NHAI pertaining to the stretch of road beyond Khliehriat and leading to the Barak Valley, NHAI should ensure that such stretch is available to traffic at all times and that repair works continue all the time, particularly during the monsoon, to ensure that the key connection to the Barak Valley part of the Assam and to the States of Tripura, Manipur and Mizoram is not inconveniently disrupted.

8. It is imperative that a long-term measure be indicated to arrest further mudflow into the tunnel.

9. The matter will appear three weeks hence for further reports to be received from the State PWD (Roads) pertaining to the bypass and from the NHAI pertaining to the stretch beyond Khliehriat and up to Ratacherra and even beyond.

10. List on July 19, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
21.06.2023
"Sylvana PS"