

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 11 of 2022

Date of order: 29.09.2022

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. Thapa, Adv.

For the Respondents : Mr S. Sengupta, Adv. [For R 1]
 Mr K. Khan, Sr GA

The National Highways Authority of India says that repair-work has already commenced on NH 6 and it is hoped that all the damage caused to NH 6 during the monsoon season would be repaired by November 15, 2022.

The State also submits that the State PWD (Roads) has already commenced repair-work in several places, now that the monsoon season is coming to an end.

The petitioner complains that a petition has to be carried to the Court every year for roads being repaired immediately after monsoon season.

This State receives probably the highest rainfall in the world and since bitumen is water-soluble, roads takes a heavy beating over the

monsoon. The State, NHAI and other concerned authorities must be alive to this problem so that there is a plan already in place to undertake immediate repair-works in the event of landslides during the monsoon and to overhaul the roads at end of the monsoon season, to the extent necessary.

The need to build and maintain roads in a hilly terrain cannot be over-emphasised as it provides basic access to citizens and has to be regarded as an adjunct to the right under Article 21 of the Constitution. The State, NHAI and other concerned authorities should keep this in mind and plan out their activities so that access is not impeded at any time.

While on the subject, there are several areas in the State, including places as close as within 40 km of Shillong where villagers do not have access to main roads. The situation is worse in some of the western districts, particularly in the South Garo Hills District. With medical and other facilities concentrated around the two major cities of Shillong and Tura in the State, the State administration should ensure that access is available from every part of the State so that emergency and other vehicles can reach from the remote areas to either major city.

There is no doubt that to provide access even to persons living in the remote areas of the State, substantial funds would be necessary.

However, in this day and age, shortage of funds cannot be an excuse for not providing such a basic right to the citizens.

The State and other concerned authorities should not treat this matter as an isolated case pertaining to a particular stretch of road, as the observations herein pertain to roads all over the State.

Let the matter appear a fortnight after the vacation for the State to indicate whether there is a comprehensive plan for increasing the existing road network in the State and undertaking continual repair work to ensure that access is never impeded.

List on October 28, 2022.

(W. Diengdoh)
Judge



(Sanjib Banerjee)
Chief Justice

Meghalaya
29.09.2022
"Sylvana PS"