

GAHC010076992024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : PIL/21/2024

ABDUL HAMID
S/O- ABDUL KARIM KHAN,
RESIDENT OF VILLAGE- DAKSHINKUL,
P.O.- BHANGABAZAR,
DIST.- KARIMGANJ, ASSAM.

VERSUS

THE UNION OF INDIA AND 5 ORS.
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA,
MINISTRY OF RAILWAYS,
NEW DELHI- 1.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY

PWD DEPARTMENT TO THE GOVT. OF ASSAM

DISPUR
GUWAHATI-6.

3:THE DISTRICT COMMISSIONER
KARIMGANJ
(ASSAM).

4:THE GENERAL MANAGER (CONSTRUCTION)
N.F. RAILWAY
MALIGAON
GUWAHATI (ASSAM).

5:THE CHIEF ENGINEER (CONSTRUCTION)
N.F. RAILWAY/ SILCHAR ASSAM.

6:THE DEPUTY CHIEF ENGINEER (CONSTRUCTION)
N.F. RAILWAY/ SILCHAR ASSAM

For the petitioner : Mr. F.Z. Mazumder, Advocate
For the respondents : Mr. S.S. Roy, C.G.C.
For respondent Nos.1,4,5 & 6
Mr. D. Nath,
Senior Govt. Advocate, Assam
For respondent Nos.2 and 3

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE SUMAN SHYAM

06-08-2024

(Vijay Bishnoi, C.J.)

1. This PIL petition is filed by the petitioner with a prayer to issue a direction to the respondent authorities to construct road under bridge (RUB) at the crossing point between Rupasibari and Chargola at Railway chainage 195/4-5 (new pillar No.179/5-5) in Badarpur Karimganj railway section on village road which is connected to NH 44 in public interest.
2. Counter affidavit has been filed on behalf of the State wherein it is stated that as a matter of fact, there is no need to construct RUB as demanded by the petitioner since there are alternative roads available to the petitioner as well as fellow villagers for commuting. It is also submitted that three roads are going to be constructed for which fund has also been sanctioned and that will cater the need of the residents of the area.
3. Having heard the learned counsel for the parties and after going through the material available on record, we are of the view that as regards the

construction of RUB and other infrastructure facilities for the public is concerned, the authorities are the best judge and they can take a suitable decision looking to the need of the people of the area. We hope and trust that the authorities concerned shall take every possible measure to cater the need of the people of the area as ventilated in this PIL petition.

4. However, if the petitioner or other villagers still remain aggrieved, they will be at liberty to approach the concerned authorities either in the State Government or in the Northeast Frontier Railway by filing representation ventilating their grievances.

5. It is expected that if any such representation is filed on behalf of the petitioner or other affected persons, their representation shall be considered objectively and shall be decided within a period of six weeks from the date of receipt of the representation.

With these observations, this PIL petition is closed.

JUDGE

CHIEF JUSTICE

Comparing Assistant