

GAHC010267932023



2024:GAU-AS:11340-DB

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

Case No. : PIL/76/2023

MINDAR KIRI TERON
S/O SRI LAHAR SING TERON,
R/O VILL-KAMJOI TOKBI, P.O.-PAROKHUWA,
P.S.-DOKMOKA, DIST-KARBI NAGLONG, ASSAM, PIN-782441

VERSUS

1: THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY THE JOINT SECRETARY (RC), RURAL CONNECTIVITY,
MINISTRY OF RURAL DEVELOPMENT, GOVERNMENT OF INDIA, KRISHI
BHAWAN, DR. R.P. ROAD, NEW DELHI, PIN-110001

2: STATE OF ASSAM REPRESENTED BY THE SPECIAL COMMISSIONER AND
SPECIAL SECRETARY TO THE GOVERNMENT OF ASSAM PWD (ROADS)
DEPARTMENT DISPUR ASSAM PIN-781006

3: THE DIRECTOR (PROJECTS-III) AND CHIEF QUALITY COORDINATOR
(NRIDA) NATIONAL RURAL INFRASTRUCTURE DEVELOPMENT AGENCY
51-54 GF AUGUST KRANTI BHAWAN BHIKAJI CAMA PLACE NEW DELHI
PIN-110066

4: KARBI ANGLONG AUTONOMOUS COUNCIL REPRESENTED BY THE
PRINCIPAL SECRETARY DIPHU KARBI ANGLONG ASSAM PIN-782460

5: THE CHIEF ENGINEER BORDER ROADS AND NEC WORKS
PWD CHANDMARI GUWAHATI ASSAM PIN-781003

6: THE EXECUTIVE ENGINEER PWD DIPHU ROADS DIVISION
DIPHU KARBI ANGLONG ASSAM PIN-782460

7: BABUL NATH
R/O EX. POLICE LINES P.S. AND P.O.-TEZPUR
DIST-SONITPUR ASSAM PIN-78400

For the Petitioner(s) : Mr. A. Rongphar, Advocate.

For the Respondent(s) : Mr. K.K. Parasar, Central Govt. Advocate for respondent Nos.1 & 3.
: Mr. D. Nath, Standing Counsel PWD for respondent Nos.2 & 5.
: Ms. S. Kemprai, Standing Counsel, KAAC for respondent Nos.4 & 6.
: Mr. M. Biswas, Advocate for respondent No.7.

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

21.11.2024

(Vijay Bishnoi, CJ)

This PIL petition is filed by the petitioner essentially raising a grievance that the respondent Department has failed to complete the road upto 15.550 KMs connecting the road from Borlangpher to Lumding via Chotalangpher under the Pradhan Mantri Gram Sadak Yojna (PMGSY). It is alleged that the authorities, who have prepared the Project Proposal for the said road, have not taken into consideration that a railway track dissecting the road near Borlangpher makes the road unusable as thoroughfare is not provided to bring connectivity to the targeted inhabitants. The petitioner has also prayed that the respondents be directed to take necessary action to provide vehicular connectivity across the barricaded railway track by setting up a manned railway crossing at the spot in the public interest.

On the earlier occasion, it was stated on behalf of the learned counsel for the petitioner before this Court that only 13 Kms of road in question is constructed. However, in the portal of the respondents, it is shown that the road upto the length of 15.550 has been constructed. Later on, it is clarified on the part of the State that as a matter of fact, the road upto 15.550 Kms has already been constructed and in support of that, an additional affidavit has also been filed by the State to which no counter has been filed on behalf of the petitioner.

Mr. Nath, learned Standing Counsel, PWD has submitted that so far as construction of railway under bridge or a manned railway crossing to provide a connecting facility to the habitants of the people are concerned, the Executive Engineer, PWD, Diphu Road Division has already written a letter on 06.09.2024 and thereafter have also sent 2(two) reminders to the concerned Railway Authority with a request to construct a Road Over Bridge (ROB) at Borlangpher to make the aforesaid PMGSY road connected to the National Highway at Borlangpher so that the residents of the said area be benefitted. It is contended that till date, there is no response from the Railway Authorities.

Having taken into consideration that 15.550 KMs concerned PMGSY road has already been constructed and for the purpose of construction of ROB, the respondent PWD authorities have already taken up the matter with the Railway Authorities, we are of the view that no further order is required to be passed in this PIL petition. However, it is expected that the PWD authorities shall pursue the Railway Authorities to construct the ROB at an appropriate place at Borlangpher to make the aforesaid PMGSY road connected to the National Highway at Borlangpher.

Ordered accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant