



Serial No. 25
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 67 of 2024

Date of Decision: 02.07.2025

1.Smti. Beronika Syiemlieh
W/o (L) Debashish Bhattacharjee

2.Shri. Tamal Kumar Bhattacharjee
S/o (L) Tarapada Bhattacharjee

3.Smti. Monideepa Sen
W/o (L) Shekhar Bhattacharjee

4.Shri. Surajit Choudhury
S/o (L) B.K. Choudhury

5.Smti. Dipti Paul
Joint Secretary
Rilbong L.P. School

6.Shri. Indranil Bhattacharjee
Secretary
Rilbong P.N. Chaudhuri Higher
Secondary School

7.Shri. Debo Prashad Ghosh
S/o (L) Pabitra Kumar Ghosh

8.Shri. Sushanta Choudhury
S/o (L) Sisir K. Choudhury

9.Shri. Arup Dey Purkayastha
S/o (L) B. Dey Purkayastha



10.Smti. Bijoylaxmi Dutta
W/o (L) Bulan Dutta

11.Smti. Sumona Bhattacharjee
D/o (L) S.K. Bhattacharjee

:::Petitioners

-Vs-

1.State of Meghalaya
Represented by the Secretary and
Commissioner, Road and Transport
Department, Shillong, Meghalaya

2.The Under Secretary (Works)
Government of Meghalaya
Public Works (R&B)
Department, Shillong

3.The Chief Engineer (NH)
PWD (Roads), Meghalaya, Shillong

4.The Executive Engineer (Roads), Public
Works Department Central Division
East Khasi Hills District, Meghalaya

5.The Secretary, Public Works Department
East Khasi Hills District, Meghalaya

6.The Chief Engineer Officer, Shillong
Municipal Board, East Khasi Hills District,
Meghalaya

:::Respondents



Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : Mr. K. Paul, Sr. Adv. with
Ms. K. Decruse, Adv.
Mr. S. Chanda, Adv.

For the Respondent(s) : Mrs. T. Yangi. B, AAG with
Ms. Z.E.Nongkynrih, GA(For R 1-5)
Mr. Philemon Nongbri, Adv.(ForR 6)

i)	Whether approved for reporting in Law journals etc.:	Yes/No
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ii)	Whether approved for publication in press:	Yes/No
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JUDGMENT AND ORDER (ORAL)

1. The petitioners are before this Court with a prayer for directions to stop the respondent authorities from engaging in the construction and widening of the PWD approach road connecting Umshyrpi Bridge to Rilbong, Shillong, on the ground that on the approach road, two schools are situated and construction of a regular motorable road in such an area will pose a threat to the safety of the residents of the area and to the students of these two schools.



2. Mr. K. Paul, learned Senior counsel assisted by Ms. K. Decruse, learned counsel for the petitioner has submitted that though the stakeholders and the residents of the area have objected to the construction of the approach road, and have voiced their concerns as to the adverse impact it would have on the residents and others, the State respondents are continuing with the construction. He further submits that though no private land is being parted with in the construction of the road, the same which would be of a maximum width of only 5.2 metres, would be extremely narrow and would pose a serious danger to the school children and residents, if vehicles ply on the same. He has also submitted that in the construction of the road, the respondents had not conducted a social impact assessment, as to the feasibility of the widening of the road to make it motorable. As such, he prays that the proposed road construction be suspended and stopped, in view of the concerns as expressed by the residents.

3. Mrs. T. Yangi. B, learned AAG assisted by Ms. Z.E. Nongkynrih, learned GA for the State respondents No. 1-5 has submitted that the construction is for the benefit of all and in public interest, as by the widening of the path, a motorable road would be created easing the congestion in the area. She further submits that this matter had already



been agitated before this Court by way of WP(C) No. 102 of 2022, by the same petitioners, wherein this Court by order dated 01.04.2022, taking cognizance of the issue, and of a joint site inspection, which had been conducted on 27.02.2021, had closed the matter. She therefore submits that the matter having been decided in the earlier writ petition, the instant writ petition on the same issue cannot be entertained.

4. Having heard the learned counsel for the parties, and also on the perusal of the records, especially in the earlier proceedings that has been brought before this Court by way of WP(C) No. 102 of 2022, this Court notes that the present writ petition is only directed against the safety issues that will be faced by the residents and school children who attend the two schools in the vicinity namely Rilbong L.P. School and Rilbong P.N. Chaudhuri Higher Secondary School. At this juncture, it would be expedient to refer to the earlier order passed by this Court dated 01.04.2022, in WP(C) No. 102 of 2022, which for the sake of convenience is reproduced hereinbelow:



Serial No.09
Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 102 of 2022

Date of Order :01.04.2022

Smti. Beronika Syiemlieh & 8 Ors. Vs. State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge

Appearance:

*For the Petitioner/Appellant(s): Ms. K.Decruse, Adv. vice
Mr. K.Paul, Sr. Adv.*

*For the Respondent(s): Mr. N.D.Chullai, AAG with
Ms. Z.E.Nongkynrih, GA.*

i) *Whether approved for reporting in Law journals etc:* Yes/No

ii) *Whether approved for publication in press:* Yes/No

ORAL

1. Mr. N.D.Chullai, learned AAG assisted by Ms. Z.E.Nongkynrih, learned GA has drawn the attention of this Court to the affidavit dated 31-03-2022 and more particularly, paragraph 6 wherein it has been stated that the land of the petitioners will not be



necessary for the widening process. Paragraph 6 which is relevant is reproduced herein below:

“That in response to paragraphs 3, 4 and 5 of the Writ Petition, the answering deponent states that after receipt of the objection with regard to the widening of the road at Rilbong, a detailed report was sought for from the Executive Engineer, P.W.D. (Roads), Shillong Central Division, Shillong vide Letter No. PW/CE/RD/171/2020/24, dated 08-03-2021.

As per the report which was prepared and submitted vide letter No. TB/SCD/53/2019-20/425, dated 15-04-2021, it is stated that the project was initiated by the Department to ease the traffic congestion at Rhino and Anjalee Petrol Pump junction by providing an alternative short exit route for the residents of Rilbong and Kench’s Trace in particular and Greater Laban Area as a whole connecting Rilbong (near Shillong Times Office) to Rilbong Point (National Highway) by construction of an RCC Bridge over the Umshyrpi river and widening of the existing approach footpath leading to the Bridge.

Furthermore, it has also been stated that the onus with regard to garnering the donation or gifting of land from the residents in order to widen the existing footpath is on the Dorbar Shnong. However, due to communication gap between the Dorbar Shnong and the Department, the intention of easing the traffic congestion which is choking the city to a standstill was not communicated to the residents and may have resulted in the misunderstanding and the subsequent objection to the said widening of the road.

It is humbly submitted that taking cognizance to solve the issue, a joint site inspection was carried out on 27-02-2021 with officials of the department and the residents of the area. During the inspection, due measurement of the existing footpath alongwith the side drains to be covered was carried out and the total available width of the existing footpath was found to range from 3.00 m to 5.20 m. Thereafter, all the members present at the inspection unanimously felt that the aforementioned width of the road on completion will be sufficient for a one-way traffic without taking any extra land from the land owners on either side of the existing footpath”.

2. In view of the statement made on affidavit by the state respondents, at this stage, nothing survives for consideration by this



Court. However, petitioners are at liberty to agitate in case fresh cause of action arises.

3. *Accordingly, writ petition is closed and stands disposed of.*

Judge

11. A perusal of the above quoted order, will reflect that the matter had been examined by way of a joint site inspection conducted on 27.02.2021, wherein it appears that the decision to construct the road was settled by consensus. In the instant writ petition, though liberty had been given by this Court vide the above-mentioned order to agitate in case a fresh cause of action arose, from the pleadings and submissions, the same does not appear to be so, inasmuch as, no new facts or developments are present to warrant the institution of the present writ petition. In fact, the only concern is with the safety of the residents and school children.

12. In these circumstances, this Court is not inclined to issue any directions to stop the construction, as the same is clearly in public interest and has been envisaged to benefit a larger number of citizens of the area. Coming to the concern with regard to the school children, though the State respondents have stated on affidavit that safety measures such as speed breakers, road signages and markings like zebra crossing at vulnerable locations will be put in place, considering the fact that a large number of



students and pedestrians will also be using the road, it is directed that apart from the safety measures proposed, adequate traffic personnel should also be posted during school hours to ensure the safety of the children.

13. There being no other point for consideration, on the directions as given above, the writ petition is closed and disposed of.

Judge

Meghalaya
02.07.2025
"D.Thabah-PS"