



Serial No. 22
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 456 of 2024

Date of Decision: 14.11.2025

1. Synjuk Nongrep Tympew Mawshun Society,
Represented by its President/Secretary,
Raid Mawshun, Khyrim Shyiemship,
East Khasi Hills District, Meghalaya
2. Dorbar Shnong Mawshun Village,
Represented by its Sordar, Khyrim Syiemship
East Khasi Hills District, Meghalaya.

... Petitioner(s)

- Versus -

1. National Highways & Infrastructure Development
Corporation Ltd. New Delhi.
2. General Manager Project,
BO, Shillong, NHIDCL,
Professor's Colony, Kharmalki Shillong,
East Khasi Hills District, Meghalaya.
3. State of Meghalaya represented by
Commissioner & Secretary,
Land Revenue & Disaster Management Department,
Meghalaya, Shillong.
4. Deputy Commissioner (Rev)
East Khasi Hills District, Shillong
5. Addl. Deputy Commissioner (Rev)
East Khasi Hills District, Shillong
6. Chief Engineer (NH)
PWD (Roads) Meghalaya, Shillong



7. Chief Engineer (WR)
Meghalaya, Shillong

8. Superintendent (WR)
Meghalaya, Shillong

9. Sub-Divisional Officer (WR)
Shillong Sub-Division, Shillong

10. Chief Engineer,
Public Health Engineering Department,
(PHE) Shillong, Meghalaya

11. Sub-Divisional Officer (PHE)
Investigation Unit Sub-Division, Pynursla

12. Executive Engineer (WR)
Meghalaya, Shillong.

... Respondent(s)

Coram:

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

Appearance:

For the Petitioner(s) : Mr. L. Shongwan, Adv. with
Mr. S.M. Suna, Adv.
Mr. S.S. Nongrum, Adv.

For the Respondent(s) : Dr. N. Mozika, DSGI with
Ms. M. Myrchiang, Adv. (For R 1&2)
Mr. N.D. Chullai, AAG with
Mr. E.R Chyne, GA (For R 3-12)

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 petitioner No. 1 which is a registered Society, an Association of Betel Leaf Growers and Planters of Mawshun Village, East Khasi Hills, and the Dorbar as the petitioner No. 2, are before this Court seeking directions firstly, for realignment and restoration of the water supply system as per the Detailed Project Report (DPR), submitted by the respondent No. 7, and secondly for grant of compensation for the loss of income due to the disruption of their cultivation.

2. Mr. L. Shongwan, learned counsel for the petitioners has submitted that the members of the Association are the beneficiaries of a water supply project known as Mawshun Flow Irrigation (FIP), which provides water to the betel leaf plantation areas of the members of the petitioner No. 1. In this context, he submits that an Agreement/MoU was also entered into between the petitioner No. 1 and the respondent No. 9, on 22.09.2014, for management, control and maintenance of the project, which he submits is the only source of water supply to the said plantation area. He then submits that in July, 2020, the project for improvement/widening and 4-laning of the existing Shillong-Dawki National Highway section, was initiated by the respondents, and as the said construction would directly affect and destroy the alignment of the waterways and pipelines along the stretch of the road, on the complaint



of the petitioner No. 1, a spot inspection was conducted on 04.12.2020, by the respondent No. 5 in the presence of the respondent No.1/company, and that during inspection it was found that the petitioner's waterways/pipelines would be affected in the road making operations.

3. The learned counsel further submits that thereafter, representations were filed by the petitioners, and pursuant to one such representation dated 11.12.2020, a Detailed Project Report at an estimated cost of Rs. 1,25,33,000/- (Rupees One Crore Twenty-Five Lakhs Thirty-Three Thousand) only, was prepared by the office of the respondent No. 12, for the said work of re-alignment and relocation, and the same was forwarded to the respondent No. 6/Chief Engineer (PWD), who in turn forwarded the same to the respondents No. 2, for necessary action. He submits that in spite of the estimate being made, as also an amount claimed on the loss of income suffered, there was no response to the claim and demand for compensation of the petitioners. Thereafter, it is submitted, on a legal notice being sent, the respondent No. 2, in reply to the same, stated that the amount necessary with regard to any damage caused in the course of construction, had already been factored in and accordingly paid to the State Government. The learned counsel submits that as the situation has reached a deadlock, with the petitioners receiving



no redressal they have therefore been compelled to approach this Court by way of the instant writ petition.

4. Dr. N. Mozika, learned DSGI assisted by Ms. M. Myrchiang, learned counsel for the respondents Nos. 1 & 2, in reply to the submissions, has referred to the affidavit filed on behalf of the said respondents and has drawn the attention of this Court to Para-3 thereof, which he submits in the Table provided therein, Package IV concerns the area where the damage is stated to have been caused. The learned DSGI has then referred to Para-5 of the affidavit, and submits that with regard to the value of things attached to land or building, the amount of Rs. 13,29,42,862/- (Rupees Thirteen Crores Twenty-Nine Lakhs Forty-Two Thousand Eight Hundred Sixty-Two) only with 100% solatium, has already been earmarked from the total compensation amount, and the said award had also been approved by the Revenue & Disaster Management Department, Government of Meghalaya, on 19.05.2020. He further submits that as far as the respondents Nos. 1 & 2 are concerned, the amount so provided should have effectively covered repairs for any damage that has been caused due to the destruction of the pipelines. He concludes by submitting that whatever remedial action needed, the onus was on the State Government, before whom the entire amount had been deposited, to effect the same.



5. Mr. N.D. Chullai, learned AAG assisted by Mr. E.R. Chyne, learned counsel for the respondents Nos. 3 to 12, has submitted that the amount sanctioned by the respondents Nos. 1 & 2, also included the shifting of PHE pipelines in respect of the project i.e. widening of Shillong-Dawki Road. The PHE Department he submits had received the said amount fully and had acknowledged the same in a Review meeting held on 06.02.2020. With regard to the compensation for loss of income, it is submitted that no such amounts have been received by the State respondents to address this issue. The learned AAG however, does not dispute the fact that pursuant to the Joint site inspection made, the estimated cost for the shifting process of PHE pipelines had also been assessed.

6. On hearing the learned counsel for the parties and on examination of the materials as placed before this Court, the first undisputed fact seen, is that damage had been caused to the water supply system, which the members of writ petitioner's Society had been enjoying and dependent upon since its inception i.e. the Irrigation known as Mawshun Flow Irrigation. However, the issue before this Court is with regard to the correction or restoration of the water pipelines to the affected farmers, who due to the damage caused, have suffered grave monetary loss of income. This Court has also examined the proposal and



estimate that has been prepared by the PHE Department with regard to cost of re-alignment or restoration of the water supply, which has since been disturbed. The stand of the respondents Nos. 1 & 2, cannot be disregarded, inasmuch as, it has been stated in the affidavit and also supported by the award statement dated 19.05.2020, under the signature of the Joint Secretary, Government of Meghalaya, Revenue & Disaster Management Department that an amount of Rs. 13,29,42,862/- (Rupees Thirteen Crores Twenty-Nine Lakhs Forty-Two Thousand Eight Hundred Sixty-Two) only with 100% solatium, had been received by the State respondents in connection with the ancillary costs in the acquisition for improving/widening of the Shillong-Dawki Road section.

7. In this backdrop, without dwelling further on the other facts, considering the fact that provision and cost for damages had already been factored in the total compensation amount, coupled with the averments made by the State respondents at Para-9.3, as to the receipt of the amount duly sanctioned, the onus is no doubt for making good any damage, would rest on the State respondents.

8. In this view of the matter therefore, considering the hardships faced by the members of the petitioners' Society after the said dislocation of the water supply, with regard to the restoration of the same, taking into account the estimate already prepared by the respondent No.



12, it is directed that the State respondents take immediate steps to rectify the damage and ensure the restoration of the Mawshun Flow Irrigation (FIP), for providing the water supply as before. With regard to the claim for compensation, this Court at this stage will not entertain the same and the writ petitioners are left to resort to alternate remedy, if so advised.

9. It is expected that the State respondents will initiate the proceedings immediately and try to complete the project as expeditiously as possible preferably within a period of 6(six) months, from the date of this order.

10. With the above noted directions, the writ petition stands partly allowed and disposed of.

JUDGE

Meghalaya
14.11.2025
"V. Lyndem-PS"