Item No.3
(Video Conferencing)

IN THE HIGH COURT OF MANIPUR
AT IMPHAL

PIL No. 27 of 2020

Shri Gurumayum Sanjiv Sharma, aged about 39 yrs.
s/o late G.Santikumar Sharma, resident of Wangkhei
Lourembam Leirak, P.O. Imphal, P.S. Porompat and
District Imphal East, Manipur-795005.

…. Petitioner

- Versus –

1. The State of Manipour, through the Principal Secretary/Commissioner/Secretary, Public Works Department, Govt. of Manipur, Secretariat, Imphal, Manipur-795001.

2. The Chief Engineer, Imphal East Division, Public Works Department, Govt. of Manipur, Secretariat, Imphal, Manipur-795001.

3. Shri S. Prakash Singh, Executive Engineer, Imphal East Division, Public Works Department, Govt. of Manipur, Secretariat, Imphal, Manipur-795001.

…. Respondents

BEFORE
HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
HON'BLE MR.JUSTICE AHANTHEM BIMOL SINGH

For the petitioner	:	Mr.B.P.Sahu, Sr. Advoacte
For the respondents	:	Mr. Lenin Hijam, Addl. AG
Date of Order	:	08.9.2020

ORDER(ORAL)

CJ

1. Heard Mr.B.P.Sahu, learned senior counsel for the petitioner and Mr. Lenin Hijam, learned Addl.Advocate General, Manipur for the respondents.

2. The PIL has been filed by residents of Wangkhei Lourembam Leirak in Imphal East District within the Yaiskul Assembly Constituency. The scope of the PIL relates to maintenance of the Wangkhei Lourembam Leirak in Imphal East District

which is stated to be in a deplorable condition and causing great hardship to the people living in the locality. It appears that the petitioners have taken upon themselves the task of laying the road due to inaction on the part of the Public Works Department which resulted in passing of the order at Annexure-A/3 by the Executive Engineer, Imphal East Division dated 27th June, 2020 to the Proprietor, H.V.S. Construction Materials (P) Ltd. This construction company is not a party in the case. However, it is pleaded by the residents that they have developed the road to some extent. This is a matter of fact which is disputed by the respondents.

3. According to the respondents/PWD, this is a public road which has to be maintained by them and no individual or a group of persons can seek right to establish or maintain the road which will otherwise lead to unwanted interference by a third party in the affairs of the State.

4. On 01.9.2020, the Court passed the following orders as below:-

> "PIL No. 27 of 2020
> Gurumayum Sanjiv Sharma ……. Petitioner
> - Versus –
> The State of Manipur; & Ors. ..... Respondents
>
> BEFORE
> HON'BLE THE CHIEF JUSTICE MR. RAMALINGAM SUDHAKAR
> HON'BLE MR. JUSTICE KH. NOBIN SINGH
> 01.09.2020
> R.S. C.J
>
> In the present case, certain group of people claim to have started construction of public road on their own without Government sanction or approval. Mr. B.P. Sahu, learned senior counsel appearing for the petitioner referred to the decision of the Hon'ble Supreme Court in the case of State of Himachal Pradesh and Another Vs. Umed Ram Sharma and Others, reported in (1986) 2 SCC 68 to plead that Court can direct in a given circumstance the execution of a road to work for the benefit of the public at large.
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> It was pointed out that in the case of State of Himachal Pradesh and Another Vs. Umed Ram Sharma and Others (Supra), there was a specific approval by the Government for the construction of a road and that P.I.L. No. 27 of 2020 Page 2 some portion had been constructed when objection was made. The further progress was stalled. The case came to be taken up on the basis of a letter to the Hon'ble Chief Justice. However, in the present case, there appears to be no specific prayer in the PIL for a mandamus to direct the State Government to provide road.
>
> Therefore, Mr. BP Sahu, learned senior counsel appearing for the

petitioner pleaded that the petitioner may be permitted to file an amendment/ application seeking direction for the construction of road consequent to the prevailing bad condition. The petitioner should give details of the alleged damage that has been caused to the public road with photograph if possible so that the Court can consider the request on a holistic manner. We permit the petitioner to file amendment / application on the next hearing date.

List the matter again on 08.09.2020.

JUDGE CHIEF JUSTICE"

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5. Mr. Lenin Hijam, learned Addl. AG , on instructions, states that the PWD is willing to assess the nature of damages and execute the work, if it is required. On the other hand, Mr. B.P.Sahu, learned senior counsel stated that due to prevailing Covid-19 condition, he is unable to seek instructions for filing amendment application from the petitioners. He requested the Court to pass appropriate orders as it deems fit so that a proper road is constructed.

6. We have considered the rival pleas and also the submissions made by Mr.Lenin Hijam, learned Addl.AG on behalf of the State and the PWD department that it is their duty to establish and maintain the public roads. Respondents are directed to maintain all public roads including the present one if there is a damage to it, as alleged. An inspection will be caused by the concerned Executive Engineer and appropriate action to be taken as expeditiously as possible preferably by four weeks from the date of receipt of this order. Copy of this order to be served on the Superintending Engineer, PWD, Govt. of Manipur.

7. With the above observation and direction, the PIL stands disposed of.

JUDGE CHIEF JUSTICE

Yumkham Rother Digitally signed by Yumkham Rother Date: 2020.09.08 15:48:32 +05'30'

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