

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.11/2016

With MC [PIL] No.11/2019

Date of Order: 28.01.2021

Joint Action Committee on Two Lanes Vs. Union of India & ors
Road Nongstoin-Mawthabah

Coram:

Hon'ble Mr. Justice Biswanath Somadder, Chief Justice
Hon'ble Mr. Justice H.S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) : None
For the Respondent(s) : Mr. R Deb Nath, CGC for R/1-4
Mr. VGK Kynta, Sr.Adv with
Ms. M. Kynta, Adv for R/12&13

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| i) Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) Whether approved for publication
in press: | Yes/No |

None appears in support of the instant writ petition which has been filed before this Court sometime in the year 2016, as a Public Interest Litigation [PIL].

The two advocates who are now appearing before us are representing the Union of India as well as the National Highways & Infrastructure Development Corporation Ltd. (for short, NHIDCL) and the Khasi Hills Autonomous District Council, Shillong, respectively.

From the record it is noticed that the General Manager (Project), of NHIDCL, Shillong, has taken out a miscellaneous application, being Misc.Case No.11 of 2019, essentially seeking deletion of the names of the applicant and NHIDCL from the array of parties, being the respondents No.3 and 4 in the main writ petition.

At the time of moving the PIL, the writ petitioner namely, the Joint Action Committee on Two Lanes Road Nongstoin-Mawthabab, (represented by its Chairman, Shri Ricky Sohlang), approached this Court praying for the following relief:-

“..... to issue writ in the nature of mandamus directing the Respondent Khasi Hills Autonomous District Council (KHADC) to issue No-Objection Certificate (NOC) for Upgradation to 2-Lane of State Road stretching from Nongstoin-Wahkaji-Domiasiat-Mawthabab Road under Special Accelerated Road Development Programme for North-East (SARDP-NE).”

It appears from the pleadings contained in the writ petition that road infrastructure is a basic need for the development of a particular area, which would bring socio-economic developments of the local population by generating employment opportunities for locals. After improvement of infrastructure, the journey time from one place to another place would be reduced and comfort of journey will be improved for road users. The NHIDCL, which is a public sector undertaking under the Ministry of Road Transport & Highways, Government of India, has been given the responsibility by the Central Government for fast development of road infrastructure in the North-Eastern States and that included the two roads in question. In such a situation, it has been contended by the writ petitioner that if the concerned authority, namely, the Khasi Hills Autonomous District Council, Shillong, does not issue the No Objection Certificate, the construction of the two roads in question would not take place. In paragraph 8 of the writ petition it has been stated by the writ petitioner that the respondent No.4, i.e., the General Manager (Project) of NHIDCL, had a discussion with the Chief Executive Member, Khasi Hills Autonomous District Council, Shillong, (Respondent No.13), during which he expressed

his apprehension that if No Objection Certificate for the work is given, interest of local residents and Khasi Hills Autonomous District Council may be overruled by the civil administration. This apprehension appears to be centered around uranium mining in the locality.

The pleadings in the writ petition also reveal that the writ petitioner, in the capacity of President of Hynniewtrep Achik National Council Central Body (HANC), had informed the respondent No.4 [General Manager (Project) of NHIDCL] that some sections of NGOs have expressed their unwillingness for construction of the road project on the apprehension that the motive behind the construction of this road is only to facilitate uranium mining and not for any public purpose. As such, the writ petitioner sought clarification from the respondent No.4 regarding the objectives and status of proposed upgradation of (SARDP-NE), Nongstoin-Wahkaji-Mawthabah Road to 2-Lanes in the State of Meghalaya, which was replied to by the said respondent in the form of a letter dated 23rd May, 2016.

However, from the miscellaneous application filed before this Court on behalf of the General Manager (Project), NHIDCL, it appears that during the pendency of the writ petition, a direction was issued by the Ministry of Road Transport & Highways, Government of India, vide letter dated 20th August, 2019, addressed to the General Manager (Project) of NHIDCL, wherein it was communicated that on a VIP reference of the Hon'ble Chief Minister of Meghalaya regarding implementation of New Road Project in the State of Meghalaya, the competent authority has approved that the project be handed over to the State of Meghalaya for

development, including the two roads in question. The General Manager (Project) of NHIDCL, in his miscellaneous application has annexed copies of the letter dated 20th August, 2019, as well as the letter issued by the Chief Engineer (NH), PWD (Roads), Meghalaya, Shillong dated 27th September, 2019 addressed to the General Manager (Project) of NHIDCL, requesting for transfer of the road documents of the project to the State PWD and a letter dated 18th October, 2019 which was issued by the applicant, namely, General Manager (Project) of NHIDCL, which indicates handing/taking over of the two roads in question together with DPRs and Utility Shifting estimate relating to the said two roads.

Considering the facts and circumstances culled out from the miscellaneous application filed by the General Manager (Project) of NHIDCL, it appears that the construction of the two roads have been handed over to the State of Meghalaya. As such, a mandatory direction for issuance of No Objection Certificate by the Khasi Hills Autonomous District Council for the purpose of construction of the two roads by NHIDCL has become redundant by efflux of time.

In such circumstances as stated above, no useful purpose will be served in keeping the writ petition pending and same is liable to be disposed of without any further order and stands accordingly disposed of.

MC [PIL] No.11 of 2019 also stands disposed of accordingly.

(H.S. Thangkhiew)
Judge

(Biswanath Somadder)
Chief Justice

Meghalaya
28.01.2021
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