

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 13 of 2022

Date of order: 11.07.2023

Kaustav Paul

vs

State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr S. Chanda, Adv.

For the Respondents : Mr K. Khan, AAG with
Mr S. Sengupta, Addl. Sr GA
Mr A.H. Kharwanlang, Addl Sr GA
Dr N. Mozika, DSG with
Ms K. Gurung, Adv.

A status report has been filed by the State through its Joint Secretary in the Public Works (R&B) Department on July 10, 2023.

2. As has been noticed in previous orders, the Shillong to Dawki road under Japanese funding is divided in five packages.

3. This petition filed in public interest pertains to the felling of trees in Shillong as part of package No. I of the entire project. According to the status report, the technical evaluation of bids is under process and the work for the first package has not yet been allotted after the previous contractor abandoned the project.

4. Even if the contractor were to be appointed, it is evident that the Indian Institute of Geomagnetism is unwilling to part with any land and

the National Highways and Infrastructure Development Corporation Limited is of the opinion that it is not possible to change the alignment at this stage to avoid any land being taken from the observatory of the Indian Institute of Geomagnetism. Thus, in effect, even if the contractor were to be appointed, till the IIG relents, work under package I cannot be undertaken seriously. As far as the other packages are concerned, there are many other problems with the landowners and though some work in the undisputed areas has been carried on, it does not appear that any of the packages is ready for work being taken up or the requisite work being delivered.

5. In such view of the matter, the further felling of trees for the purpose of package I should not be carried out till such time that the work under package I is awarded to a contractor and the contractor is able to take up the construction unimpeded, including near the observatory of the Indian Institute of Geomagnetism. The matter will appear four weeks hence for a further report to be filed.

6. List on July 31, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
11.07.2023
"Sylvana PS"