

(2020) 02 GAU CK 0016
In the Gauhati High Court

Case No : Public Interest Litigation No. 3 Of 2020

Anjali Ray And 5 Ors

APPELLANT

Vs

State Of Assam And 5 Ors

RESPONDENT

Date of Decision : 11-02-2020

Acts Referred:

Citation : (2020) 02 GAU CK 0016

Hon'ble Judges : Ajai Lamba, Cj;Soumitra Saikia, J

Bench : Division Bench

Advocate : S.C. Biswas, Monisha Das, B. Choudhury

Final Decision : Disposed Off

Judgement

Ajai Lamba, CJ

1. Gist of the issue raised by virtue of this public interest litigation, filed at the instance of Anjali Ray and five others, is reflected in order dated 8th

January, 2020. The order reads as under :

“This Public Interest Litigation relates to construction of road from T02 Poamara to Kaliganj to Kamargram Part-I under PMGSY

Package No.As-13-239. 2. The contention of learned counsel for the petitioner appears to be reasonable in so much as the Assistant

Executive Engineer, PWRD, Karimganj South Territorial Road Sub Division, Nilambazar has already conducted inspection and has found

defect of major nature in the alignment of the road. 3. We deem it appropriate to extract the report authored by the Assistant Executive

Engineer to the Executive Engineer, PWRD, Karimganj Rural Road Division, Karimganj.

To,

The Executive Engineer, PWRD,
Karimganj Rural Road Division, Karimganj.

Subject: Construction of Road from T02 Paomara â?" Kaliganj to Kamargram Part-I under PMGSY Package No.As-13-239.

Ref: (i) Letter of Radheshyam Biswas, Ex-MP dated 30.11.2019.

(ii) Public representation dated 30.11.2019 submitted by Sri Anup Namasudra and eight others.

(iii) Letter dated 03.12.2019 to Md. Sharuf Ahmed, A.E., PWRD, Karimganj R.R. Division.

Sir,

With reference to the subject cited above, I have the honour to state you that, the undersigned has visited the site on 05.12.2019 along with

Md. Sharuf Ahmed, A.E. and Abdul Khaleque, SI. During the visit, local public of Kamargram village has raised their strong objection to

the alignment where the contractor has just started earth work. During the discussion with the public of Kamargram village, and after study

of the DPR, transact walk, targeted habitation etc., the facts found are mentioned as follows:-

Ã The name of the Road is Poamara â?" Kaliganj to Kamargram Pt-I and the targeted habitation is Kamargram Pt-II. As per strip plan of

the DPR, the road should start towards left side of the T-02 but the contractor starts at right side.

Ã The transact walk and alignment plan of the DPR do not match with the name of the road and habitation. Though the Kamargram Pt-II

is shown at the end but the end point habitation as per the selected alignment by the contractor is Ratanpur village. So, by the present

alignment, where contractor starts the work will not provide connectivity to Kamargram Pt-II village.

Under the above circumstances, either the transact walk and strip plan or the targeted habitation and name of road may perhaps be

corrected before the execution of the work to avoid public resentment and future legal conspiracy.

Enclo: Copy of the letters as mentioned under reference above.

Yours faithfully,

Sd/- A. Nag

Asstt. Executive Engineer, PWRD Karimganj

South Territorial Road Sub-Division,

Nilambazar.

Memo No.241-A Dated 05.12.2019??

4. We hereby direct Principal Secretary, Public Works Department (Roads) and Chief Engineer, Public Works Department (Roads) to take

cognizance of report dated 5. 12.2019, which has been extracted above and take immediate action thereupon so that no more public money is wasted

in constructing a road with bad alignment.

5. List on 3rd February, 2020.

6. We hereby direct the Chief Engineer to file his affidavit clearly indicating the action taken in deference to the order being passed today.

7. Let a copy of this order be conveyed to the authorities concerned through the office of Mr. D. Saikia, standing counsel, Government of Assam.??

2. On notice having been issued, the Respondent State took the stand that the wrong has been corrected and the road as per approved alignment is

being constructed. Considering the stand, vide the order dated 3rd February, 2020, we directed the Executive Engineer concerned to file a site plan

showing the wrongly aligned road; as also the road now being constructed in accordance with the requirements of the villagers.

Learned counsel for the State has filed documents in Court, including a communication dated 8th February, 2020 addressed by the Executive Engineer

P.W. (R.D.) Karimganj North, Karimganj South, and Badarpur Territorial Road Division, Karimganj and site plan. The site plan indicates that the

contractor initially started constructing road as per wrong alignment depicted in green in the site plan. On the matter having been pointed out, the road

indicated in yellow is being constructed.

3. Considering the action taken on behalf of the respondents, we are satisfied that needful has been done.

4. Disposed of.