

Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.1/2022

Date of Order: 31.03.2023

Tennydard M. Marak 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. P.T. Sangma, Adv

For the Respondents : Mr. S. Sahay, GA with
Ms. R. Colney, GA

i) Whether approved for reporting in Law journals etc.: Yes/No

ii) Whether approved for publication in press: Yes/No

Despite several reports filed by the State and the petitioner insisting that little has been done to check the overloading of vehicles along the principal arterial routes in the State, there is no apparent improvement in the situation.

The immediate previous report indicated that there was some 16 or so weighbridges functional in the entirety of the State and that by the end of this month, the number of functional weighbridges would be increased

to 23. The State today submits that 19 weighbridges are functional and another four are about to be made workable within the next fortnight or so.

At the same time, it cannot be missed that in several parts of the State, particularly around Pynursla, Shella, Dawki and Nongstoin, vehicles carrying boulders and even sand filled to the brim and more of heavy metal-bodied trucks operate brazenly with no checks in place. Even without weighbridges, it is obvious that such vehicles, sometimes bearing no registration plates, do not conform to the weight limits but the local administration, for obvious reasons, turns a Nelson's eye to the same.

There are pockets, particularly around Pynursla, where a thousand trucks may be seen to be parked at a time, all meant to carry boulders and even sand to Bangladesh and probably not one of them adhering to the weight norms. Elsewhere overloaded vehicles carry timber. While there may have been some improvement in some of the goods vehicles being covered, one suspects that the cover may more often be to hide the transportation of coal than to ensure safety. Indeed, the overladen vehicles carrying boulders look so dangerous that if they were suddenly to brake, the boulders on top would invariably shower behind and smash any lesser vehicle or kill pedestrians.

The State says that a blueprint has been prepared and that acquiring a set of electronic weigh-pads would set the State back by Rs.27 lakh. However, considering the cost per kilometre of construction of road, the hilly terrain in the State and the almost incessant rain that the State receives for nearly six months, there can be no excuse for not making appropriate investment to check the menace.

Superintendents of Police in all districts should be made aware and appropriately instructed to check, even on physical appearance, the overladen trucks. Once such a drive is undertaken and some trucks are stopped and not permitted to carry on without relieving the additional load, others may fall in line.

Unfortunately, the State's action in checking overloaded vehicles has been less than satisfactory and it is hoped that some actual steps would be taken on the ground in such regard and a report filed when the matter appears next four weeks hence.

List on May 3, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya

31.03.2023

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