

WPA(P)/3/2022

IN THE HIGH COURT AT CALCUTTA
[CIRCUIT BENCH AT PORT BLAIR]

Re: Suo motu cognizance taken on the issue of non-existence of National Highway -4 (Road) in Middle and North Andaman.

November 21, 2022
[SR]
(suo moto)

One of us (Subrata Talukdar, J.) had the occasion to visit Middle and North Andaman being assigned on duty to the present Circuit.

It is the experience of all inhabitants of Middle and North Andaman residing from Middle Strait to Mayabunder, beyond to Diglipur and the adjacent areas, that the National Highway-4 (for Short NH-4) connecting the said areas with the capital, Port Blair, is almost non-existent. In other words, as even this Court found out, there is no visible road surface for most of the route and vehicular traffic has to negotiate perilous dirt tracks.

This Court has been informed that the road was originally maintained by the Andaman Public Works Department (APWD). At present the National Highways Authority of India (NHAI) and the National Highways & Infrastructure Development Corporation Limited have been co-opted to prepare and maintain the NH-4.

People of the area are struggling to find suitable means to carry patients by ambulance or by any other vehicular

method for emergency treatment to a hospital at Port Blair. Supply trucks loaded with materials have been found to be toppled on the dirt tracks. Some regular bus services between Middle and North Andaman touching Baratang, Kadamtala, Rangat, Billiground, Bakultala, Mayabunder, Diglipur, among others, have been suspended by operators.

Access to justice of litigants intending to pursue their remedies in the jurisdictional Courts of their areas, as well as at Port Blair stands severely curtailed.

The pathetic condition of the NH-4, which is the life line connecting Middle and North Andaman to the rest of the Islands, has not been attended to for several months now, if not years. To be precise the condition of NH-4 has worsened in the past three years.

In spite of efforts at the local level, no visible steps have been taken till date. The total time taken to cover approximately 275 kms from Port Blair to Mayuabunder is around nine hours which is double the normal time required. The distance taken to cover about 80 kms from Mayabunder to Diglipur lies in excess of four hours.

This Court cannot remain a passive spectator to such administrative inaction. Accordingly, this Court takes ***suo motu*** cognizance of the matter and issues notices to the following persons:

1. The Lieutenant Governor, Andaman and Nicobar Islands, Port Blair -744101.
2. The Secretary, Government of India, Ministry of Road Transport and Highways, Transport Bhawan, 1, Parliament Street, New Delhi-110001.
3. The Chief Secretary, Andaman and Nicobar Administration, Secretariat, Port Blair – 744101.
4. The Secretary (PWD), Andaman and Nicobar Administration, Secretariat, Port Blair – 744101
5. The Chairman, National Highways Authority of India, New Delhi.
6. The Regional Director, National Highway Authority of India, Port Blair.
7. The Managing Director, National Highways & Infrastructure Development Corporation Limited, 3rd Floor, PTI Building, 4- Parliament Street, New Delhi-110001.
8. The Executive Director, National Highways & Infrastructure Development Corporation Limited, Regional Office at Andaman and Nicobar Islands, Ward No.23, Near Air Force Station, Prothrapur, Garacharma (PO), Port Blair, A & N Islands – 744105.

9. The Deputy Commissioner, North and Middle Andaman District, Mayabunder.

10. The Chief Engineer, APWD, Nirman Bhavan, Port Blair – 744101.

The Noticees are directed to respond through their Learned Counsel on the next date.

Registry is directed to forthwith forward notice of this Order to the Noticees and file a **Report** on the next date.

This Court also appoints two Learned Advocates, Mr. Gopala Binu Kumar and Mr. Deep Chaim Kabir, to act as the Special Officers. The Learned Special Officers are permitted to seek inputs from the Noticees and apprise this Court on the dates fixed.

Mr. Shatadru Chakraborty, Learned Counsel appearing for the Andaman and Nicobar Administration, is also directed to take instructions. The Noticees shall endeavour to file a **First Report** on **Thursday, i.e. 24th of November, 2022**, on which date the matter will appear **at the top** under the heading **“Fixed”**.

The learned Special Officers shall ensure that this Order is widely circulated by the Noticees/ the Administration so that to enable persons affected by the distressing situation to approach this Court with their

grievances and submissions, either individually or through the Learned Special Officers.

Registry is also directed to take steps to allot a **Writ Petition (PIL)** number to this file.

The Learned Special Officers shall be entitled to appropriate remuneration, to be fixed subsequently by the Court.

Parties are permitted to act on a gist of the communication of the Order.

All parties to act in terms of a copy of the order downloaded from the official website of this Court.

(**Rabindranath Samanta, J.**) (**Subrata Talukdar, J.**)