



WP(PIL) No. 11/2019

IN RE: COLLAPSE OF A BRIDGE OVER CHU PHUEN PHUEN (CHU BUMPO) AT LACHEN, NORTH SIKKIM.

Date: 23/06/2020

CORAM :

**HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI, CJ.
HON'BLE MR. JUSTICE BHASKAR RAJ PRADHAN, J.**

...

(ARUP KUMAR GOSWAMI, CJ)

This matter is taken up through V.C.

Heard Mr. Karma Thinlay, learned Central Government Counsel appearing for respondent nos. 2 and 3 and Mr. Vivek Kohli, learned Advocate General, Sikkim, appearing for respondent nos. 1,4,5,6 and 7.

This Public Interest Litigation (PIL) was registered on the basis of a letter of Pipons, Lachen Dzumsa, wherein it is stated that on 17.06.2019, due to heavy rainfall followed by flood, the bridge Chu Phuen Phuen (Chu Bumpo) was washed away totally and Lachen was totally cut off from the rest of the world. At the request of the State Government, the Army had allowed the public to use the army ammunition point as an alternate route, but as they were allowed to use the road only from 6 a.m. to 6 p.m., they had been experiencing a lot of difficulties. Grievance was expressed that even after lapse of three months, there was no sign of installation of bridge.

In terms of the order dated 11.09.2019 of this Court, an affidavit dated 01.11.2019 was filed on behalf of respondent nos. 2 and 3. The said affidavit was considered by this Court on 02.12.2019. It would be appropriate to take note of the order dated 02.12.2019, which reads as under:-




“Heard Mr. Vivek Kohli, learned Advocate General, Sikkim assisted by Mr. Thinlay Dorjee Bhutia, learned Government Advocate and Mr. Karma Thinlay, learned Central Government Counsel.

In the affidavit dated 01.11.2019 filed by respondent nos.2 and 3 it is admitted that one 180 feet triple double reinforced Bailey Bridge at KM 0.190 on the main axis of Chungthang-Lachen road (Prakash Setu) was washed away on 17.06.2019 and Lachen area was cut-off from Chugnthang. A massive land slide as well as formation breach had also occurred, as a result of which, traffic had to be diverted through the road passing through Army Ammunition Point for which movement through the said area was controlled by local Army Formation due to security reasons.

In paragraphs 3(b) and (d) it is stated as follows:-

“(b) In the said diversion route, there exist two bailey bridges, one of which is a 160 feet Bailey Bridge having load classification of 12 tons only, hence load restriction was imposed by Army. In order for heavy vehicle beyond 12 tons movement, a new 160 feet extra wide bailey Bridge of 40 ton load classification at up stream of this Bailey Bridge was launched on 15th October, 2019 for which construction of its new abutment, retaining wall and wing walls were also completed. However, being a sensitive area from security point of view, movement of traffic from 06 AM to 6 PM is regulated by Army. Presently, tourist vehicles will be able to play through this bridge towards Lachen and Chungthang.

(d) In the meantime, a proposal was mooted to launch a 360 feet Bailey Suspension Bridge (BSB) at Prakash Setu



Site for movement upto Class 24 (Ton) vehicles. The work was included in Annual Work Plan Year 2019-20 and has been sanctioned by the competent authority for execution in Financial Year 2019-20. Simultaneously, haulage of stores for launching of Bailey Suspension Bridge is under progress. Due to the long span of 360 feet, the launching of proposed suspension bridge is itself a challenging task considering the safety risks and various engineering aspects as well as techniques involved. Considering all the aspects like movement of stores to site, concrete work, erection etc, the said road is likely to be made trafficable for Class-24 vehicles by 31st March, 2020."

It is noted that paragraph (d) should have been typed as paragraph (c).

In view of the assertion that a 360 feet Bailey Suspension Bridge at Prakash Setu site for movement upto Class 24 Ton vehicles would be completed by 31.03.2020, we deem it appropriate to defer consideration of this petition till 31.03.2020.

List on 08.04.2020."

Though the case was directed to list on 08.04.2020, the same could not be listed due to lockdown and the case came to be listed on 10.06.2020. On that date, submission was advanced by Mr. Thinlay that 360 feet Bailey Suspension Bridge at Prakash Setu site for movement upto Class 24 Ton vehicles was completed on 28.03.2020 and therefore, there was no connectivity issue and general public was not facing any difficulty. The matter was directed to be listed today so as to enable Mr. Thinlay to bring on record the aforesaid facts by way of an affidavit.

An affidavit was filed on 17.06.2020 by respondent nos. 2 and 3.



At paragraph 3 of the affidavit, it is stated as follows:-

“3. In compliance to the aforesaid order it is submitted that the 360 feet Bailey Suspension Bridge at Prakash Setu site on Chungthang – Lachen Road for movement upto Class 24 Ton vehicles has been completed on 28.03.2020. Presently there is normal traffic movement and general public is not facing any difficulty. The photographs depicting the complete bridge is annexed herewith and marked as **Annexure R-1 (colly).**”

In view of the assertion on affidavit that the 360 feet Bailey Suspension Bridge at Prakash Setu site for movement upto Class 24 Ton vehicles had been completed on 28.03.2020 and that the same is used for normal traffic movement and general public is not facing any difficulty and having regard to the photographs annexed as Annexure-R1 (colly), we are of the considered opinion that no fruitful purpose will be served by keeping this PIL pending as the grievance articulated in the letter petition has been redressed.

Accordingly, this PIL stands closed and is disposed off.

Judge

Chief Justice