

GAHC040005212023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : WP(C)/197/2023

Tapak Rai
S/o Late Tagi Rai,
Resident of Nacho,
PO Nacho, Upper Subansiri District, Arunachal Pradesh 791122
Contact No. 7085615573

VERSUS

THE STATE OF AP and 3 Ors.
Represented by the Secretary, Land Management, Govt. of Arunachal Pradesh,
Itanagar, 791111

2:The Deputy Commissioner
Age: 0
Occupation :
Upper Subansiri District Daporijo Arunachal Pradesh 791122

3:The Chief Engineer (Highway)
Age: 0
Occupation :
Western Zone PWD Itanagar Arunachal Pradesh 791111

4:THE UNION OF INDIA
Age: 0
Occupation :
Represented by the Secretary Ministry of Road Transport and Highway Govt. of India
Transport Bhawan No. 1Parliament Street New Delhi 11001

Advocate for the Petitioner : Subu Koyang

Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE ROBIN PHUKAN**

ORDER

Date : 15-12-2023

Heard Mr. S. Koyang, learned counsel for the petitioner. Also heard Ms. G. Ete, learned Additional Senior Government Advocate for the State respondents.

2. In this petition under Section 226 of the Constitution of India, the petitioner Shri-Tapak Rai, has prayed for issuing a direction to the respondent authorities for payment of a sum of Rs. 26,40,496/-, being the remaining amount of compensation, which he is entitled to for acquisition of his land for construction of road from Taliha to Nacho.

3. The grievance of the petitioner is that his land and properties were acquired for construction of road from Taliha to Nacho and the value of the land and his properties were assessed for payment of compensation of Rs. 1,42,29,044/-, but, he was paid only a sum of Rs. 1,15,88,548/- and a sum of Rs. 26,40,496/- is yet to be paid to him though he is entitled to the said amount. Thereafter, the petitioner had filed two representations, dated 08.03.2022, and 09.03.2023, to the respondent authorities, but no action has been taken till date. Being aggrieved, the petitioner is before this Court.

4. Mr. Koyang, learned counsel for the petitioner submits that though the bill was prepared for payment of a sum of Rs. Rs. 1,42,29,044/- to him, yet he was paid only a sum of Rs. 1,15,88,548/-, but a sum of Rs. 26,40,496/- has not yet been paid to him.

Referring to the page no. 6 at Annexure-I of the affidavit submitted by the respondent authorities, Mr. Koyang submits that while calculating the compensation, some mistake has been committed and the same has been duly been reflected in his representation, dated 08.03.2022 and also in his representation, dated 09.03.2023. Referring to the paragraph-5 of the affidavit-in-opposition filed by the respondent authorities, Mr. Koyang, further submits that the respondent authorities also agreed upon to cross-check the entire record and that if any anomalies has been found in raising the bill as claimed by the petitioner then the authority is ready to rectify the same as per law and also ready to abide by order or direction issued by this Court, and in view of above, Mr. Koyang submits that this writ petition may be disposed of at the admission stage itself by directing the respondent authorities to consider and dispose of the representation of the petitioner, dated 08.03.2022 and 09.03.2023.

5. Ms. Ete, learned Additional Senior Government Advocate for the State respondents submits that she has no objection in the event of disposing of this writ petition by directing the respondent authorities to dispose of the representations, dated 08.03.2022 and 09.03.2023, filed by the petitioner.

6. Having heard the submission of the learned Advocates of both the parties, I have gone through the petition and the documents placed on record also perused the representations file by the petitioner to the respondent authorities dated 08.03.2022 and 09.03.2023.

7. In view of the submission of the learned Advocates of the parties, and also as agreed upon, this Court is inclined to dispose of this petition by

directing the respondent authorities to consider and dispose of the representations, dated 08.03.2022 and 09.03.2023, filed by the petitioner, within a period of 45 (forty-five) days.

8. But, the exercise has to be carried out before demolishing the permanent structures, situated in the land of the petitioner.

9. The parties have to bear their own cost.

JUDGE

Comparing Assistant