

GAHC040006902023



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

Case No. : WP(C) 252/2023

1: Durpai Community Land and Anr.
Represented by Shri Reli Kena, (Power of Attorney Holder)
S/o Late Menre Kena, Resident of Durpai Village, Lower Siang District, Arunachal Pradesh.

2: Rede Bui (Power of Attorney Holder)
S/o Late Dure Bui

Resident of Durpai Village
Lower Siang District
Arunachal Pradesh

VERSUS

1: THE UNION OF INDIA AND 4 Ors.
Represented by the Secretary (Power), Ministry of Power, Govt. of India, Shram Shakti Bhawan, Rafi Marg, New Delhi 110001

2: THE STATE OF AP
Represented by the Secretary
Department of Land Management
Govt. of Arunachal Pradesh
Itanagar
PIN 791111

3: NHPC Ltd.
Represented by its Chairman and Managing Director
having its Registered Office at NHPC Office Complex
Sector 33
Faridabad
Haryana
PIN 121003

4:The Executive Director
Subansiri Lower Hydro Electric Project
NHPC Ltd.
Gerukamukh
P.O Gerakamukh
District Dhemaji
Assam
PIN 787035

5:The Deputy Commissioner
Lower Siang District
Likabali
Arunachal Pradesh
PIN 79112

Advocate for the Petitioner : Parswajyoti Das Nair
Khogen Bui
Gallen Taloh
Advocate for the Respondent : GA (AP)

**BEFORE
HONBLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 30.05.2023

Heard Mr. Gallen Taloh, learned counsel for the petitioners.

Also heard Ms. Goter Ete, learned Addl. Senior Government Advocate, and Mr. Dugmar Kamduk, learned standing counsel, Department of Land Management, Government of Arunachal Pradesh, appearing on behalf of their respective respondents.

This writ petition has been filed by the petitioners viz. Durpai Community Land, represented by one Shri Reli Kena, power-of-attorney holder, son of Late Menre Kena, resident of Durpai village, Lower Siang District, Arunachal Pradesh, as well as Shri Rede Bui, power-of-attorney holder, son of Late Dure Bui, resident of Durpai village,

Lower Siang District, Arunachal Pradesh, seeking a direction to the respondents to pay Rs. 2,87,30,22,923/-, stated to be the compensation amount recalculated as per the Right to Fair Compensation and transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, for the value of non-timber forest products(NTFP) and other horticultural and medicinal plants/trees in the community land of Durpai village.

Though there is no pleading as regards the population of Durpai village; but, Mr. Taloh, learned counsel for the petitioners, had made a submission that Durpai village consists of around 60 persons.

The submission made by Mr. Taloh, learned counsel for the petitioners, that the Durpai village consists of around 60 persons is also subject to verification as to whether Durpai village actually consist of around 60 persons.

Be that as it may, even if the submission of Mr. Taloh, learned counsel for the petitioners, that Durpai village consists of around 60 persons is assumed to be correct, there is no indication in the writ petition that once, the amount of compensation, referred to hereinabove, is released by the authorities, in what manner; the aforesaid compensation amount shall be apportioned amongst the villagers of Durpai village.

Under the circumstances, I am of the considered view that since the compensation amount assessed, has been for a community land of Durpai village to which each member of Durpai village, will be entitled to the compensation amount; the writ petition needs to be filed by all the villagers of Durpai village or through a representative duly authorized by each members of the village as may be permitted under the law, indicating the total population of Durpai village and the manner, in which, the compensation amount assessed; shall be apportioned amongst the villagers of Durpai village.

In that view of the matter; this writ petition stands closed with liberty granted to the villagers of Durpai village, to file a fresh writ petition indicating, as above, if so advised.

With the above directions, the writ petition stands disposed of at the motion stage itself.

JUDGE

Comparing Assistant