

GAHC010019702017



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

Case No. : WP(C)/2247/2017

HEMOLATA DAS
WIFE OF LT NANDA DAS, RESIDENT OF AILA HABI GAON, PO. and PS-
AMGURI, DIST. SIVASAGAR, ASSAM

VERSUS

THE STATE OF ASSAM and 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-6

2: THE DEPUTY COMMISSIONER
SIVASAGAR
DIST. SIVASAGAR
ASSAM

3: THE ADDITIONAL DEPUTY COMMISSIONER
SIVASAGAR
DISTRICT SIVASAGAR
ASSAM

4: THE CIRCLE OFFICER

AMGURI REVENUE CIRCLE
AMGURI
DIST. SIVASAGAR
ASSAM

5: SRI CHAMPAK HAZARIKA
FATHER'S NAME NOT KNOWN
RESIDENT OF BHATIAPORA
PO-BHATIAPORA
DIST. SIVASAGAR

ASSA

Advocate for the Petitioner : MS.D DUTTA

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

02.01.2023

Heard Shri Parag J Saikia, learned counsel for the petitioner as well as Shri N Goswami, learned State Counsel, Assam. Also heard Ms. PR Mahanta, learned Standing Counsel, Revenue Department, Assam.

2. Considering the subject matter and also the fact that this writ petition is pending since the year 2017, the same is taken up for disposal at the admission stage.

3. The facts projected are that after the death of the husband of the petitioner, she is in possession of a land measuring 11 lechas under Dag No. 32 of Patta No. 210 of Village-Ailahabi under Sologuri Mouza in the district of Sivasagar. The petitioner claims that the aforesaid land was, however, a part of the land acquired for conversion of the National Highway No. 37 to a four lane National Highway and the land was, accordingly taken over.

4. The petitioner is aggrieved by the fact that till now, no compensation has been offered to her in spite of the fact that such taking over was sometime in November, 2015. The petitioner had also made allegation that the private respondent is trying to siphoning off the compensation.

5. Shri Saikia, learned counsel for the petitioner has submitted that representations

have been submitted by the petitioner which are yet to be considered. It is further submitted that there being no dispute that the land in question is a private land, the petitioner is entitled to the compensation for acquisition of the same.

6. On the other hand, Shri Goswami, learned State Counsel submits that there is no record to connect the petitioner with the land acquired. By drawing the attention of this Court to the affidavit-in-opposition filed on 05.03.2022 through the Addl. Deputy Commissioner, Sivasagar, the learned State Counsel has submitted that a total compensation of Rs. 6,99,584.10/- has been made to the affected persons, including in favour of Smti Bakuli Das, daughter-in-law of Late Medelaram Das on the strength of an affidavit dated 15.12.2015. He, accordingly submits that there is no illegality committed by the respondents, as has been alleged.

7. After hearing the parties and on perusal of the records, this Court observes that other than the copy of the *jamabandi*, no official documents have been annexed to this writ petition and the said *jamabandi* copy is also in the name of Shri Medela Das. There is no other document to show any semblance of right of the petitioner and the allegation of siphoning in the name of the respondent no. 5 is essentially a question of fact which is disputed and therefore, this Court exercising writ jurisdiction may not be the appropriate forum.

8. In view of the above, this Court is of the opinion that the claim raised in this writ petition cannot be a subject matter of adjudication of this Court and accordingly, the said claim stands dismissed. The petitioner is, however, at liberty to approach the appropriate Court for redressal of her grievance, if so advised.

9. In view of the above, the writ petition stands dismissed.

JUDGE

Comparing Assistant