

GAHC010030832022



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

Case No. : WP(C)/1162/2022

BROJENDRA KUMAR GAYARI @ BRAJENDRA GAYARI
S/O- SURJYAKANTA GAYARI, R/O- VILL.- KOHORA PATHAR, MOUZA-
BHABANIPUR, DIST. BARPETA, P.O. SARUPETA, ASSAM.

VERSUS

THE UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, ROAD TRANSPORT
AND HIGHWAYS DEPARTMENT, MINISTRY OF SHIPPING, ROAD
TRANSPORT AND HIGHWAYS, GOVERNMENT OF INDIA, NEW DELHI-
110001.

2:THE PROJECT DIRECTOR

NATIONAL HIGHWAYS AUTHORITY OF INDIA (MINISTRY OF ROAD
TRANSPORT HIGHWAYS) PROJECT IMPLEMENTATION UNIT (P.I.U)
SARUMOTORIA
HOUSE NO. 1
DILIP HUJURI PATH
DISPUR
GUWAHATI-781006.

3:GOVERNMENT OF ASSAM
REP. BY ITS SECRETARY
PUBLIC WORKS DEPARTMENT
ASSAM SACHIBALAYA
DISPUR
GUWAHATI-781006.

4:THE DEPUTY COMMISSIONER
BARPETA
BARPETA-781301

ASSAM

5:THE CIRCLE OFFICER
SARUPETA REVENUE CIRCLE
BARPETA
ASSAM
PIN- 781318.

6:THE CHIEF ENGINEER
PWD (ROADS)
NATIONAL HIGHWAY WING
CHANDMARI
GUWAHATI-781003.

7:THE SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DM (LR) DEPARTMENT
ASSAM SACHIBALAYA
DISPUR
GUWAHATI-781006

Advocate for the Petitioner : MS D CHAUDHURY

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

12.05.2023

Heard Mr. R.C. Saikia, learned counsel for the petitioner. Also heard Ms. R. Bora, learned counsel appears for the respondent nos.1 – 2; Mr. P. Nayak, learned counsel appears for the respondent no.3; Mr. S. Barua, learned counsel appears for the respondent nos.4 – 5 and Ms. N. Bordoloi, learned counsel appears for the respondent no.7.

2. The petitioner's case in this writ petition is that his land was acquired by the authorities under the National Highways Act, 1956. Though zirat

compensation had been paid to the petitioner, land compensation was not paid to the petitioner. Accordingly, the petitioner filed WP(C) No.2147/2016, praying for payment of the remaining compensation amount of Rs.7,51,214.40.

3. WP(C) No.2147/2016 was disposed off, vide order dated 02.01.2018 as follows :

“From the pleadings of the parties to the writ petition it is an admitted position that the present petitioner is entitled for the remaining amount of Rs. 7,51,214/- out of total compensation or Rs.10,64,220/-. Under the said situation this writ petition is disposed of with a direction to the respondents to compensate the petitioner with respect to 24 lechas of land which is admitted as per law within a period of three months from the date of receipt of the certified copy of this order.

This writ petition is accordingly disposed of”.

4. As the said amount of Rs.7,51,214/- was not being paid by the respondents despite the order dated 02.01.2018 passed in WP(C) No.2147/2016, the petitioner has filed the present writ petition, praying for payment of the said amount along with interest.

5. The learned counsel for the respondent no.7 submits that there has been a wrong recording of the amount payable to the petitioner in order dated 02.01.2018 passed in WP(C) No.2147/2016, inasmuch as, only Rs.4,50,180/- was due to the petitioner after he was paid the zirat compensation of Rs.3,13,006/-. The learned counsel for the respondent no.7 submits that accordingly the petitioner is liable to be paid only Rs.4,50,180/-.

6. On considering the submission made by the counsel for the respondent no.7, this Court is of the view that said submission cannot be accepted, in view of the fact that the order dated 02.01.2018 passed in WP(C) No.2147/2016 has attained finality, wherein it was admitted that the petitioner was to be paid Rs.7,51,214/-.

7. This Court has also perused the order dated 02.01.2018 passed in WP(C) No.2147/2016 after calling for the records of WP(C) No.2147/2016. On considering the fact that the prayer of the petitioner for being given the remaining compensation amount of Rs.7,51,214/- has already been directed in the order dated 02.01.2018 passed in WP(C) No.2147/2016, the respondents are directed to pay the remaining balance amount of Rs.7,51,214/- to the petitioner within a period of 3 (three) months from today.

8. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant