

GAHC010045132022



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

Case No. : I.A.(Civil)/1457/2022

MD. SALIMUDDIN LASKAR and 8 ORS
S/O LATE MD. KAMIL LASKAR, R/O VILL- BORBOND PART I, PO
BORBOND, DIST. HAILAKANDI, ASSAM

2: JAHAR UDDIN LASKAR
S/O LATE MD. KAMIL LASKAR
R/O VILL- BORBOND PART I
PO BORBOND
DIST. HAILAKANDI
ASSAM

3: MASUK UDDIN LASKAR
S/O LATE MD. KAMIL LASKAR
R/O VILL- BORBOND PART I
PO BORBOND
DIST. HAILAKANDI
ASSAM

4: JASIM UDDIN LASKAR
S/O LATE MD. KAMIL LASKAR
R/O VILL- BORBOND PART I
PO BORBOND
DIST. HAILAKANDI
ASSAM

5: SOFIQUE UDDIN LASKAR
S/O LATE MD. KAMIL LASKAR
R/O VILL- BORBOND PART I
PO BORBOND
DIST. HAILAKANDI
ASSAM

6: HUSSAIN AHMED LASKAR
S/O LATE MD. KAMIL LASKAR

R/O VILL- BORBOND PART I
PO BORBOND
DIST. HAILAKANDI
ASSAM

7: FAKRUL ISLAM LASKAR
S/O LATE SAMSUDDIN LASKAR
R/O VILL- BORBOND PART I
PO BORBOND
DIST. HAILAKANDI
ASSAM

8: SAHARUL ISLAM LASKAR
S/O LATE ASABUDDIN LASKAR
R/O VILL- BORBOND PART I
PO BORBOND
DIST. HAILAKANDI
ASSAM

9: PARBIN SULTANA LASKAR
W/O SALIM UDDIN LASKAR
R/O VILL- BORBOND PART I
PO BORBOND
DIST. HAILAKANDI
ASSA

VERSUS

THE POWER GRID CORPORATION OF INDIA AND 4 ORS B
A GOVERNMENT OF INDIA ENTERPRISE AND CTU COMPANY, HAVING ITS
REGISTERED OFFICE AT B-9, QUTUB INTERNATIONAL AREA, KATWARIA
SARI, NEW DELHI-110016

2:THE CHIEF MANAGER
CONSTRUCTION
POWER GRID CORPORATION OF INDIA LIMITED
A GOVT. OF INDIA ENTERPRISE AND CTU COMPANY
HAVING ITS REGISTERED OFFICE AT B-9
QUTUB INTERNATIONAL AREA
KATWARIA SARI
NEW DELHI-110016

3:THE STATE OF ASSAM
REP. BY ITS COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
LAND AND REVENUE DEPTT.
DISPUR
GUWAHATI-6

4:THE DEPUTY COMMISSIONER
HAILAKANDI

5:THE SUPERINTENDENT OF POLICE
HAILAKANDI
ASSA

Linked Case : I.A.(Civil)/1458/2022

MD. SALIMUDDIN LASKAR and 8 ORS
S/O LATE MD. KAMIL LASKAR
R/O VILL BORBOND PART I
PO BORBOND
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2: JAHAR UDDIN LASKAR
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HAILAKANDI
ASSAM

For the petitioner (s) : Mr. J. Laskar, Advocate

For the respondent (s) : Mr. N. C. Das, Sr. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

22.09.2023

The I.A.(C) No.1457/2022 pertains to condonation of delay of 881 days in preferring the application for restoration of the writ petition, i.e. WP(C) No.5610/2014 which was dismissed for default vide order dated 15.09.2017 and the other application, i.e. I.A.(C) No.1458/2022 has been filed for restoration of the writ petition.

2. While taking up the instant applications, this Court has taken into consideration the relief which has been sought for in the writ petition that the Power Grid Lines should not be laid till the petitioners are paid their due compensation.

3. Mr. N. C. Das, the learned senior counsel appearing on behalf of the Power Grid Corporation submits that the high power transmission lines were laid as far back as in the year 2014, and as such, the relief which was sought for in the writ petition did not survive, and consequently, this Court has rightly dismissed the writ petition on account of non-representation and also taking into account the relief sought for.

3. This Court has also perused the applications and the grounds stated for condoning the delay as well as the cause being shown for not being

present in the Court on the date when the matter was called for hearing. The grounds so stated, in the opinion of this Court, are not satisfactory, and as such, this Court is not inclined to either condone the delay as well as also to restore the writ petition. This Court has also duly taken note of that restoring of the writ petition would serve no purpose taking into account that the relief sought for in the writ petition had become infructuous.

4. Accordingly, both the Interlocutory Applications stands rejected.

5. Be that as it may, the learned counsel for the applicants submits that the petitioners on wrong advice approached the Deputy Commissioner under Section 10 (d) of the Indian Telegraph Act, 1885 for enhancement of the compensation and rather ought to have approached the learned District Judge, Hailakandi within the district of which the transmission lines were laid.

6. This Court makes it clear that the dismissal of the instant applications and the writ petition shall not affect the rights of the applicants in approaching the appropriate Court under the Indian Telegraph Act, 1885 for redressal of their grievances, if permissible under law.

JUDGE

Comparing Assistant