

GAHC010057692023



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

Case No. : WP(C)/1579/2023

SONBANON NAIDING AND 15 ORS
S/O- LT. GORASON NAIDING,
VILLAGE- KEPRE, P.O.- KEPRE,
P.S.- MAIBANG, DIST.- DIMA HASAO,
PIN- 788831.

2: DHIRONJOY NAIDING
S/O- SATRONON NAIDING

VILLAGE- KAPURCHERRA

P.O./P.S.- HARANGAJAO

PRESENT ADDRESS- HAFLONG TOWN
NEAR KALIBARI
DIST- DIMA HASAO
PIN- 788818.

3: RAJIB KUMAR KAMPRAI
S/O- KADANSING KEMPRAI

VILLAGE- DIHUR PHONGLO
P.O./P.S.- MAIBANG
DIST.- DIMA HASAO
PIN- 788831.

4: SARTA BODO
S/O- AHNANDA BODO

VILLAGE- GEREM LAMBRA

P.O./P.S.- MAHUR
DIST- DIMA HASAO
PIN- 788830.

5: PRABILAL BODO
S/O- MAGINON BODO

VILLAGE- GEREM LAMBRA

P.O./ P.S.- MAHUR
DIST- DIMA HASAO

PIN- 788830.

6: LODESH THAOSEN
S/O- SAMON THAOSEN

VILLAGE- MUPA HOJAI
P.O.- KALACHAND
P.S.- MAIBANG
DIST.- DIMA HASAO
PIN- 788831.

7: REIBAMBEZEME
S/O- PAUKEU ZEME
VILLAGE- NRIMBANGLA

P.O./ P.S.- MAHUR
DIST.- DIMA HASAO
PIN- 788830.

8: SUMPRONO HOJAI
S/O- LT. ROBINON HOJAI

VILLAGE- LONGMA III
P.O./ P.S. - MAHUR
DIST.- DIMA HASAO
PIN- 788830.

9: PHOLBANON NAIDING
S/O- LT. GOBINON NAIDING

VILLAGE- KAPURCHERRA
P.O./P.S.- HARANGAJAO

DIST- DIMA HASAO
HAFLONG
PIN- 788818.

10: JETENDRA THAOSEN
S/O- SHANTILAL THAOSEN

VILLAGE- LONGMA III
P.O./ P.S. - MAHUR
DIST.- DIMA HASAO
PIN- 788830.

11: SUMIT NAIDING
S/O- BODROLAI NAIDING

VILLAGE- LONGMA III
P.O./ P.S. - MAHUR
DIST.- DIMA HASAO
PIN- 788830.

12: KUMUD NABEN
S/O- LT. TOMPOLAI NABEN

VILLAGE- LONGMA III
P.O./ P.S. - MAHUR
DIST.- DIMA HASAO
PIN- 788830.

13: DINESH DIBRAGEDE
S/O- LALMONI DIBRAGEDE

VILLAGE- MUPA HOJAI
P.O.- KALACHAND
P.S. MAIBANG

DIST.- DIMA HASAO
PIN- 788831.

14: NITESH THAOSEN
S/O- DIZENDRO THAOSEN

VILLAGE- DIDAOKA
P.O.- KALACHAND
P.S. MAIBANG

DIST.- DIMA HASAO
PIN- 788831.

15: SATARSING HOJAI
S/O- MAIJA HOJAI

VILLAGE- DIDAOKA
P.O.- KALACHAND
P.S. MAIBANG

DIST.- DIMA HASAO
PIN- 788831.

16: MOLENDRA LANGTHASA
S/O- SOLAI LANGTHASA

VILLAGE- DIDAOKA
P.O.- KALACHAND
P.S. MAIBANG

DIST.- DIMA HASAO
PIN- 788831

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY SECRETARY TO THE GOVT. OF ASSAM (LR)
DEPARTMENT, DISPUR, GUWAHATI- 781006.

2:NATIONAL HIGHWAYS AUTHORITY OF INDIA
REPRESENTED BY THE SECRETARY
NEW DELHI- 0001.

3:THE PROJECT DIRECTOR (PIU) NATIONAL HIGHWAYS AUTHORITY OF
INDIA
(MINISTRY OF ROAD TRANSPORT AND HIGHWAYS)
HAFLONG
DIMA HASAO DIST.
ASSAM- 78819.

4:NORTH CACHAR HILLS AUTONOMOUS COUNCIL
HAFLONG
REPRESENTED BY ITS PRINCIPAL SECRETARY
DISTRICT- DIMA HASAO
PIN- 788819
ASSAM.

5:THE DEPUTY COMMISSIONER
DISTRICT- DIMA HASAO
HAFLONG
PIN- 788819
ASSAM.

6:THE SECRETARY AND REVENUE OFFICER (W)
N.C. HILLS AUTONOMOUS COUNCIL
HAFLONG
DISTRICT- DIMA HASAO

PIN- 788819
ASSAM

Advocate for the Petitioner : MR. B BARUAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

29.09.2023

Heard Mr. B. Baruah, learned counsel for the petitioners. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue Department, Assam appearing for the respondent No.1, Ms. R. Borah, learned Standing Counsel, NHAI appearing for the respondent Nos.2 and 3 and Mr. C. Sarma, learned counsel appearing for the respondent Nos.4 to 6.

The writ petitioners herein claim to be farmers having their horticulture cultivation at Harangajao and other areas falling within the jurisdiction of the Dima Hasao Autonomous Council. Their grievance is that due to the works executed by the respondent No.2 for construction of road, their horticulture cultivation has been damaged. It is also the case of the petitioners, there is a steep fall on NH-54 road connecting the road from Kalachand to Harangajao in the district of Dima Hasao which calls for repair, but no action has been taken in the matter till date by the authorities. Aggrieved thereby, the writ petitioners had submitted a representation dated 04.03.2023 before the respondent No.5 ventilating their grievance in the matter. However, when no action was taken on such representation, the instant writ petition has been filed.

Mr. Sarma, learned Standing Counsel, Dima Hasao Autonomous Council submits

that he has no instruction in the matter and therefore, he does not have any submission to make.

The learned Standing Counsel, NHAI submits that the road having been constructed after acquiring the land, her client does not have any liability in the matter.

Be that as it may, the prayer issues raised in the representation dated 04.03.2023 (Annexure-B to the writ petition), in the opinion of this Court, calls for verification on the factual aspects, which would not be possible in this writ petition. As such, without expressing any opinion on the veracity of the claim made in the representation dated 04.03.2023, I dispose of this writ petition by granting four weeks time to the petitioners to submit a fresh representation before the respondent Nos.5 and 6 ventilating their grievance in the matter. If such a representation is submitted before the aforesaid authorities within four weeks, along with a certified copy of this order, then the same may be looked into and appropriate action in the matter, as may be warranted in the facts and circumstances of the case as well as under the law, be initiated. With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant