

GAHC010083852023



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

Case No. : PIL/33/2023

1: TAJUL HAQUE CHOUDHURY AND 3 ORS.
SON OF LATE SAHADAT HUSSAIN CHOUDHURY,
R/O- VILLAGE- RONGPUR PT-II, P.O.- RONGPUR,
P.S.- SILCHAR, DIST.- CACHAR, PIN- 788009.

2: SAHADAT HUSSAIN BARLASKAR
SON OF LATE MAKBUL HUSSAIN BARLASKAR
RESIDENT OF VILLAGE- RONGPUR PT- III
P.O. RONGPUR P.S.- SILCHAR SUB DIVN.- SILCHAR
DISTRICT- CACHAR PIN- 788009.

3: NASIM AHMED BARLASKAR
SON OF LATE SAFIQUE UDDIN BARLASKAR
R/O- VILLAGE- BAHADURPUR P.O.- RONGPUR
P.S.- SILCHAR DIST.- CACHAR PIN- 788009.

4: JAMIR UDDIN BARBHUIYA
SON OF LATE- TURFAN ALI BARBHUIYA
R/O- VILLAGE- RONGPUR PT- IV P.O. RONGPUR
P.S- SILCHAR SUB DIVN. SILCHAR DISTRICT- CACHAR
PIN- 788009

VERSUS

1: THE UNION OF INDIA REPRESENTED BY THE SECRETARY,
MINISTRY OF ROAD TRANSPORT HIGHWAY, GOVERNMENT OF INDIA,
TRANSPORT BHAWAN, 1, PARLIAMENT STREET, NEW DELHI-110001.

2: THE NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD (NHIDCL) 3RD FLOOR PTI BUILDING

4-PARLIAMENT STREET
NEW DELHI- 110001.

3:THE STATE OF ASSAM REPRESENTED BY THE COMMISSIONER/
SECRETARY TO THE GOVT. OF ASSAM TRANSPORT DEPART JANATA
BHAWAN BLOCK E DISPUR GUWAHATI- 781006.

4:THE DEPUTY COMMISSIONER
CACHAR SILCHAR- 788001.

5:THE CIRCLE OFFICER
SILCHAR CACHAR 788001.

6:THE INFOSYS CONSULTING PVT LTD
12TH FLOOR JMD REGENT SQUARE MG ROAD
GURUGRAM HARYANA- 122002

For the Petitioners : Mr. T.A. Choudhury, Advocate.

For the Respondents : Mr. R. Borah, Advocate for respondent Nos.1 & 2.
: Mr. R.K. Borah, Additional Senior Govt. Advocate, Assam for
respondent Nos.4 & 5.

- B E F O R E -

**HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE MITALI THAKURIA**

10.05.2023

The instant petition under Article 226 of the Constitution of India has been filed by the petitioners herein styling the same to be a public interest litigation writ petition with the following prayers:-

“(a) A writ in the nature of Mandamus shall not be issued commanding the respondent No.-1 to set-up an enquiry committee for conducting enquiry regarding the illegal and unauthorized acquisition of land in reference to the Notification dated 05.01.2023 issued by the Respondent No.2 in respect of the acquired property nearby NH-37 i.e. Rongpur Part-II, III and IV, Cachar.

(b) To direct the respondent authorities to provide an opportunity to people of Rongpur Part-II, III and IV, Cachar for filing their respective objection on acquisition of their land, nearby NH-37.

(c) To direct the respondent No.2 & 5 to dispose of the public representations dated 10.02.2023 and 27.02.2023 for greater public interest.

And/or pass such further and other order or orders as this Hon'ble Court may deem fit and proper under the facts and circumstances of the case

in the Interest of Justice and on perusal of records and after hearing the parties make the Rule absolute.”

We have heard and considered the submissions advanced by the learned counsel for the petitioners and the learned counsel representing the respondents.

Prima facie, we are of the view that the petition herein involves disputed question of facts. That apart, the petitioners have clearly stated in their pleadings that before approaching the Court, they have submitted detailed representations to the Deputy Commissioner, Cachar as well as the General Manager (HR), NHIDCL. However, it is alleged that their complaints have not been responded to till date.

In view of the peculiar facts noted above, we hereby direct the Deputy Commissioner, Cachar as well as the General Manager (HR), NHIDCL to objectively consider the representations submitted by the petitioners and to pass a reasoned/speaking order thereupon within a period of 4(four) weeks from the date of submission of certified copy of this order. In case any adverse order is passed on the representations of the petitioners, they shall be at liberty to assail the same as per law before the appropriate forum.

With the above observations, the instant public interest litigation is closed.

JUDGE

CHIEF JUSTICE

Comparing Assistant