

GAHC010104932023



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

Case No. : I.A.(Civil)/1320/2023

VILIEBEI MERU

S/O- LATE PATRICK SOLO, R/O- VILL. NAHORJAN, BLOCK-2, P.O. AND P.S.
DILLAI, DIST.- KARBI ANGLONG, ASSAM. PIN-782480.

VERSUS

THE UNION OF INDIA AND 20 ORS
REP. BY THE SECY. TO THE MINISTRY OF ROAD TRANSPORT AND
HIGHWAYS, GOVT. OF INDIA, NEW DELHI. PIN- 110001.

2:THE NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED
A PUBLIC SECTOR UNDERTAKING BELONGING TO GOVT. OF INDIA
SITUATED AT 3RD FLOOR
PTI BUILDING
4 PARLIAMENT STREET
NEW DELHI- 110001
REP. BY ITS MANAGING DIRECTOR.

3:THE STATE OF ASSAM
REP. BY ITS SECY. TO THE DEPTT. OF HILLS AREAS
GOVT. OF ASSAM
DISPUR
GHY.- 781006.

4:THE KARBI ANGLONG AUTONOMOUS COUNCIL
REP. BY THE CHIEF EXECUTIVE MEMBER
THE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
PIN- 782461.

5:THE EXECUTIVE MEMBER
DEPTT. OF REVENUE
THE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG. PIN- 782461.

6:THE PRINCIPAL SECY. TO THE THE KARBI ANGLONG AUTONOMOUS
COUNCIL
DIPHU
PIN- 782461.

7:THE JT. SECY. TO THE DEPTT. OF REVENUE
THE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG. PIN- 782461.

8:THE ASSTT. SETTLEMENT OFFICER
THE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG. PIN- 782461.

9:THE ASSTT. REVENUE OFFICER
THE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG. PIN- 782461.

10:THE CHAIRMAN
THE KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG. PIN- 782461.

11:LONGKI ENGHI
S/O- SENG ENGHI
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

12:NIRMALI TERANGPI
D/O- JOYRAM TERANG
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

13:ROBINSON KATHAR

S/O- RANJAN KATHAR
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

14:MANJU RONGPHARPI
D/O- RAJEN RONGPHAR
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

15:LONGKIRI ENGTI
S/O- HEMARI ENGTI
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

16:BONGLONG ENGTI
S/O- KANIA ENGTI
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

17:BAPURAM ENGTI
S/O- SONGSAR ENGTI
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

18:PREM TISSO
S/O- SING TISSO.S
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

19:TENDON TERON

S/O- BABU TERON
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

20:SEM RONGHANG
S/O- LT. SAI RONGHANG
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN-

21:LEEN TERONPI
D/O- THONG TERON
R/O- VILL. NAHORJAN
BLOCK-2
DIST.- KARBI ANGLONG
ASSAM
PIN

Advocate for the Petitioner : MS. K L R YANTHAN

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

31.05.2023

Heard Ms. K.L.R. Yanthan, learned counsel for the applicant; Ms. B. Deka, learned counsel representing Mr. R.K. Talukdar, learned Standing Counsel, NHIDCL for the opposite party nos. 1 & 2; Mr. J. Handique, learned State counsel for the opposite party no. 3; and Ms. B. Sohe, learned counsel representing Mr. J. Chutia, learned Standing Counsel, KAAC for the opposite party nos. 4 -10.

2. The applicant as the writ petitioner preferred the connected writ petition, W.P.[C] no. 2828/2022 which was disposed of by an order dated 09.05.2022 with a set of following directions

:-

9. In view of the above fact situation in the case, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of, at the motion stage itself, with the following directions :-

[i] The petitioner shall submit a representation before the Competent Authority i.e. the Joint Secretary, Department of Revenue, Karbi Anglong Autonomous Council, Karbi Anglong [the respondent no. 7] stating the details of the parcels of land along with Dag nos. and Patta nos. in respect of which he and his family members have staked claims with all the supporting documents, within a period of 15 [fifteen] days from today.

[ii] On receipt of such representation, the Competent Authority shall duly acknowledge the receipt of the same and after taking the representation on board, shall proceed to examine and verify the land details furnished by the petitioner vis-à-vis the claims of the private respondents in respect of the afore-stated parcels of land appearing in the Schedule to the notification dated 24.03.2022, after putting all of them on notice and ensuring their appearance.

[iii] The Competent Authority shall carry out such verification and examination, wherever found necessary, in consultation with the authorities in the NHIDCL and concerned staff of the Revenue Branch of the district and also by affording opportunities of hearing to all the stakeholders. If found necessary, field verification with due notice to all the stakeholders, may also be carried out.

[iv] If, after such verification and examination, any discrepancy is detected the Competent Authority shall take the remedial measures, whatever necessary, in accordance with law. The grievance/grievances expressed by each of the stakeholders including those of the petitioner and the private respondents, shall also be considered and dealt with.

[v] The results of such verification and examination of receipt of such representation from the petitioner, shall be informed to the concerned stakeholders by the Competent Authority within a period of 6 [six] weeks from the date of securing the appearance of the private respondent, by passing a speaking order.

[vi] If after passing of the speaking order, any of the stakeholder is/are any way aggrieved, he/they would be at liberty to take resort to appropriate remedy as

permitted under the law.

3. In paragraph 4 of the order dated 09.05.2022, a Table indicating the parcel of land against which the applicant-petitioner had objection and appearing in the Schedule to the Notification dated 24.03.2022 published under sub-section [2] of Section 3D of the National Highways Act, 1956 by the Ministry of Road Transport & Highways [MoRT&H], Government of India [GoI], was extracted as under :-

State : Assam		District : Karbi Anglong			
Sl. No.	Survey Number	Type of land	Nature of land	Area in Hectare	Name of the Land Owner/Interested Person Part Survey No.
1	2	3	4	5	6
	Taluk : Diphu				
	Village : Langtibuk				
41	107-PP-107	Private	Residential	0.0255	Longki Enghi S/o Seng Enghi
44	11-PP-11	Private	Residential	0.0375	Nirmali Terangpi D/o Joyram Terang
66	13-PP-13	Private	Residential	0.045	Robinson Kathar S/o Ranjan Kathar
81	143-PP-143	Private	Residential	0.0511	Manju Rongpharpi D/o Rajen Rongphar
110	17-PP-17	Private	Residential	0.0368	Longki Enghi S/o Seng Enghi
115	18-PP-18	Private	Residential	0.0321	1. Longkiri Engti S/o Hemari Engti, 2. Bonglong Engti S/o Kania Engti, 3. Bapuram Engti S/o Songsar Engti, 4. Prem Tisso S/o Sing Tisso, 5. Tendon Teron S/o Babu Teron
116	19-PP-19	Private	Residential	0.0269	Sem Ronghang S/o Lt. Sai Ronghang
153	52-PP-52	Private	Residential	0.0274	Nomita Beypi D/o Mensing Bey
154	53-PP-53	Private	Residential	0.0234	Rakhi Timungpi C/o Amphu Teronpi
194	9-PP-9	Private	Residential	0.018	Leen Teronpi D/o Thong Teron

4. The instant interlocutory application has been filed seeking correction in the name of the village appearing in the above Table from 'Village – Langtibuk' to 'Village – Nahorjan' as the name of the said village had been incorrectly incorporated from the Notification dated 24.03.2022. It is averred that despite submission of a detail representation before the Joint Secretary, Department of Revenue, Karbi Anglong Autonomous Council in compliance of the order dated 09.05.2022 by

the applicant-petitioner, the said authority has not proceeded with the matter and by a letter dated 13.04.2023, the said authority has informed the applicant-petitioner about reflection of the Village – Langtibuk in the order dated 09.05.2022.

5. On perusal of the Notification dated 24.03.2022 issued by the MoRT&H, GoI under sub-section [2] of Section 3D of the National Highways Act, 1956, it is clearly discernible that the name of the village against the parcels of land in respect of which the applicant-petitioner had raised objection, is incorrectly mentioned as 'Village – Langtibuk', instead of 'Village – Nahorjan'. The learned counsel for the opposite parties have no objection to the prayer made by the applicant-petitioner as the inadvertent error is a typographical error. In such view of the matter, the instant interlocutory application is allowed.

6. For all intent and purpose, the name of the village appearing in the Table in paragraph 4 of the order dated 09.05.2022 passed in W.P.[C] no. 2828/2022 is to be read as 'Village – Nahorjan', instead of 'Village – Langtibuk' in the following manner :-

State : Assam		District : Karbi Anglong			
Sl. No.	Survey Number	Type of land	Nature of land	Area in Hectare	Name of the Land Owner/Interested Person Part Survey No.
1	2	3	4	5	6
	Taluk : Diphu				
	Village : Nahorjan				
41	107-PP-107	Private	Residential	0.0255	Longki Engi S/o Seng Engi
44	11-PP-11	Private	Residential	0.0375	Nirmali Terangpi D/o Joyram Terang
66	13-PP-13	Private	Residential	0.045	Robinson Kathar S/o Ranjan Kathar
81	143-PP-143	Private	Residential	0.0511	Manju Rongpharpi D/o Rajen Rongphar
110	17-PP-17	Private	Residential	0.0368	Longki Engi S/o Seng Engi
115	18-PP-18	Private	Residential	0.0321	1. Longkiri Engti S/o Hemari Engti, 2. Bonglong Engti S/o Kania Engti, 3. Bapuram Engti S/o Songsar Engti, 4. Prem Tisso S/o Sing Tisso, 5. Tendon Teron S/o Babu Teron
116	19-PP-19	Private	Residential	0.0269	Sem Ronghang S/o Lt. Sai Ronghang

153	52-PP-52	Private	Residential	0.0274	Nomita Beypi D/o Mensing Bey
154	53-PP-53	Private	Residential	0.0234	Rakhi Timungpi C/o Amphu Teronpi
194	9-PP-9	Private	Residential	0.018	Leen Teronpi D/o Thong Teron

7. This order is to be treated as a part and parcel of the order dated 09.05.2022 passed in W.P.[C] no. 2828/2022.

JUDGE

Comparing Assistant