

GAHC010124302016



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

**Case No. : WP(C)/7864/2016**

GOLAPI BORAH and 3 ORS.  
W/O. LT. MAHENDRA BORAH, VILL. TELIAGAON, KALIABOR, P.O.  
PUBTHARIA, VIA. KUWARITOL, PIN-782137, DIST. NAGAON, ASSAM.

VERSUS

UNION OF INDIA and 6 ORS.  
REP. BY THE SECRETARY TO THE GOVT. INDIA, MINISTRY OF ROAD and  
TRANSPORT, NEW DELHI- 110001.

2:NATIONAL HIGHWAY AUTHORITY OF INDIA (NHAI)  
REPRESENTED BY ITS SECRETARY  
NEW DELHI-110001.

3:THE GOVERNMENT OF ASSAM  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
LAND REVENUE DEPARTMENT  
DISPUR  
GUWAHATI-5.

4:THE DEPUTY COMMISSIONER  
NAGAON  
ASSAM.

5:THE ADDITIONAL DEPUTY COMMISSIONER (LAND ACQUISITION  
BRANCH)  
NAGAON  
ASSAM.

6:THE CIRCLE OFFICER  
KALIABOR REVENUE CIRCLE

KUWARITOL  
NAGAON  
ASSAM.

7:IRRIGATION DEPARTMENT  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM  
IRRIGATION DEPARTMENT  
DISPUR  
GUWAHATI-6.

8:NATIONAL HIGHWAY INFRASTRUCTURE DEVELOPMENT CORP. LTD.  
REPRESENTED BY ITS MANAGING DIRECTOR  
PARLIAMENT STREET  
NEW DELHI

**Advocate for the Petitioner** : MR.A D CHOUDHURY

**Advocate for the Respondent** :

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**JUDGMENT & ORDER**

**29.03.2023**

The petitioners, 4 [four] in nos., have instituted the instant writ petition under Article 226 of the Constitution of India with the grievance that the respondent authorities had acquired a part of a parcel of land, owned by them, and have not paid any compensation for the same.

2. Before any dilation as regards the claim of the petitioners *qua* the part of the parcel of land in respect of which the compensation for acquisition, according to the petitioners, have not been paid to them, a brief account of the parcel of land in question appears necessary.

2.1. One Mahenda Borah during his lifetime, had purchased a plot of land measuring 2 Kathas 5 Lessas [02K-05L], covered by Dag no. 221 & Patta no. 42, located at Revenue

Village – Uppor Borbhogia, Mouza – Borbhogia, Kaliabor Revenue Circle, District – Nagaon [‘the subject-plot’, for short] from its erstwhile owners [i] Shyam Bahadur Kaki, [ii] Tanka Bahadur Kaki, and [iii] Chatra Bahadur Kaki by a registered Sale Deed dated 27.10.1997 after getting the requisite sale permissions from the competent authorities. The subject-plot originally belonged to one Dhaneswari Chetrini who owned an area of land measuring 2 Kathas 8 Lessas [02K-08L] in total under Dag no. 221 & Patta no. 42. As per Khiraj Miyadi Jamabandi of Revenue Village – Uppor Borbhogia [Annexure-B], an area of land measuring 3 Lessas [03L] out of the afore-stated 2 Kathas 8 Lessas [02K-08L] of land, under Dag no. 221 & Patta no. 42, were acquired for Kaliabhomora Road pursuant to a letter no. N.R.Q. 4/80/88 dated 30.06.1982 of the Acquisition Officer, Nagaon and as per order dated 02.07.1982 of the Sub-Deputy Collector [SDC], Nagaon. The said portion of 3 Lessas [03L] after acquisition, was converted to Government land in the revenue records. As a result, after acquisition of 3 Lessas [03L] of land, the area of land left to Dhaneswari Chetrini under Dag no. 221 & Patta no. 42, became 2 Kathas 5 Lessas [02K-05L], which is the subject-plot, referred herein. After the demise of Late Dhaneswari Chetrini, the subject-plot was inherited by the legal heirs of Late Dhaneswari Chetrini viz. [i] Shyam Bahadur Kaki, and [ii] Man Bahadur Kaki. After the demise of Late Man Bahadur Kaki, the names of his two legal heirs - [i] Tanka Bahadur Kaki, and [ii] Chatra Bahadur - were mutated against the name of Late Man Bahadur Kaki in respect of the subject-plot.

2.2. As mentioned above, Mahendra Borah purchased the subject-plot from the afore-mentioned three persons pursuant to permission accorded by the Sub-Divisional Officer, Kaliabor vide Memo no. KRX 1/97/25 dated 24.10.1997 and vide a registered Sale Deed dated 27.10.1997. Subsequent to the purchase of the subject-plot by Mahendra Borah, he got his name mutated in respect of the subject-plot vide a Mutation Order dated 08.05.1998 passed by the Circle Officer, Kaliabor Revenue Circle.

3. The petitioner no. 1 was the wife of Late Mahendra Borah and the petitioner no. 2, the petitioner no. 3 and the petitioner no. 4 were the sons of Late Mahendra Borah.

4. According to the petitioners, they were/are in continuous possession of a parcel of

land measuring 2 Kathas 5 Lessas [02K-05L]. It is the further claim of the petitioners that the said parcel of land measuring of which 2 Kathas 5 Lessas [02K-05L] of which they are in possession, is the subject-plot itself, which was purchased by their husband/father in the year 1997. After the demise of Mahendra Borah, the petitioners got their names mutated in respect of the subject-plot vide a Mutation Order dated 17.03.2010 passed by the Circle Officer, Kaliabor Revenue Circle.

4.1. According to the petitioners, the cause of action for instituting the instant writ petition arose in the year 2016 when on 12.07.2016, some persons claiming themselves to be the employees of the National Highways & Infrastructure Development Corporation Limited [NHIDCL] started taking measurements in and around the subject-plot as well as the plots of land near to the subject-plot. When the petitioners made enquiries, they were informed that the NHIDCL had acquired some portions of land including a part of the subject-plot for construction of the proposed 4-lanning/widening of NH-37 & NH-37[A].

4.2. Aggrieved by such action purportedly taken by the NHIDCL authorities, the petitioners through the petitioner no. 2 stated to have filed a complaint before the Deputy Commissioner [Land Acquisition Branch], Nagaon [the respondent no. 4]. On receipt of the said complaint, the same stood forwarded by the Additional Deputy Commissioner, Nagaon [the respondent no. 5] by his letter dated 12.07.2016 [Annexure-C] to the Circle Officer, Kaliabor Revenue Circle to enquire into the matter of alleged acquisition of land belonging to the petitioners and to submit a factual report. As directed by the letter dated 12.07.2016, the Circle Officer, Kaliabor Revenue Circle [the respondent no. 6] caused an enquiry by field verification at the location and carried out a demarcation process in respect of the subject-plot with the assistance of Supervisor Kanungoe, Lat Mondal, Chainman, local Government Gaon Bura and the neighbours in and around the subject-plot. In the Enquiry Report submitted by the respondent no. 6, it was reported to the effect that during the field verification and demarcation process, it came to light that an area of land measuring 1 Katha 12 Lessas [01K-12L=32L] out of the subject-plot 2 Kathas 5 Lessas [02K-05L=45L] are in possession of the Irrigation Department and the remaining 13 Lessas [13L] of land are in possession of the petitioners. After such field verification and demarcation process, the respondent no. 6 with

such findings, submitted the Enquiry Report to the respondent no. 5 on 01.11.2016 wherein apart from the afore-mentioned facts, the respondent no. 6 had mentioned that earlier also on the basis of an application dated 09.06.2016 of the petitioner no. 2, the boundaries of the subject-plot had been similarly demarcated.

5. I have heard Mr. A.D. Choudhury, learned counsel for the petitioners; Mr. K. Gogoi, learned Central Government Counsel [CGC] for the respondent no. 1; Mr. C. Baruah, learned Standing Counsel, National Highways Authority of India [NHAI] for the respondent no. 2; Ms. P.R. Mahanta, learned Standing Counsel, Revenue & Disaster Management Department for the respondent no. 3; Mr. R. Talukdar, learned Junior Government Advocate, Assam for the respondent nos. 4 – 6; Mr. N. Upadhyay, learned Standing Counsel, Irrigation Department for the respondent no. 7; and Ms. V.L. Singh, learned Standing Counsel, National Highways & Infrastructure Development Corporation Limited [NHIDCL] for the respondent no. 8.

6. Mr. Choudhury, learned counsel for the petitioners has referred to the documents annexed to the writ petition wherefrom the history of sell and purchase of the subject-plot mentioned in the manner indicated hereinabove, have emerged. He has contended that as the concerned respondent authorities have carried out works related to construction of 4-lanning/widening of NH-37 & NH-37[A] in and around the parcel of land the petitioners are in possession and made constructions in a part of the parcel of land, that part of the parcel of land where such constructions have been carried out, ought to have been mandatorily acquired under the provisions of the National Highways Act, 1956. As there is no notification under Section 3A of the National Highways Act, 1956, the petitioners have been constrained to approach this Court by instituting the instant writ petition. It is the case of the petitioners that in case any acquisition under the National Highways Act, 1956 is made, after publication of a notification under Section 3A, the Competent Authority of Land Acquisition [CALA] was required to hear objections from the landowners after following due procedure laid down in the National Highways Act, 1956. But, the respondent authorities did not adhere to any such procedure in acquiring a part of the land from the subject-plot.

7. Mr. Baruah, learned Standing Counselm NHAI has submitted that the NHAI is not

involved in the construction of 4-lanning/widening of NH-37 & NH-37[A] and it was the NHIDCL which had been entrusted with the construction of 4-lanning/widening of NH-37 & NH-37[A] by the Ministry of Road Transport & Highways [MoRT&H], Government of India [GoI] and as such, the respondent no. 2 is neither a necessary party nor a proper party in the present writ proceedings.

8. Ms. Singh, learned Standing Counsel, NHIDCL for the respondent no. 8 has extensively referred to the statements and averments made in the affidavit-in-opposition filed on behalf of the respondent no. 8. Referring to the statements and averments made therein, Ms. Singh has submitted that due procedure prescribed under the National Highways Act, 1956 was followed in acquiring the plots of land required for the purpose of construction and/or 4-lanning/widening of NH-37 & NH-37[A]. The procedure laid down in Section 3A, Section 3C, Section 3D & Section 3G of the National Highways Act, 1956 were duly followed by the Competent Authority, Land Acquisition [CALA]. The subject-plot belonging to the petitioners was never considered for acquisition for construction and/or 4-lanning/widening of NH-37 & NH-37[A]. It is submitted that after following the procedure laid down in the National Highways Act, 1956, all landowners and persons interested whose land were acquired, were paid due compensation. Contending so, Ms. Singh has also submitted that the NHIDCL is neither a necessary party nor a proper party in the writ petition.

9. Mr. Talukdar, learned Junior Government Advocate has submitted that field verification and demarcation process in respect of the subject-plot were carried out on two occasions. By referring to the Enquiry Report dated 01.11.2016 of the respondent no. 6, he has submitted that it has clearly emerged from field verification and demarcation process that an area of land measuring 1 Katha 12 Lessas [01K-12L=32L] from the subject-plot are in possession of the Irrigation Department, Government of Assam and the remaining part of the subject-plot measuring 13 Lessas [13L] are found in possession of the petitioners. It has further emerged that the Right of Way [RoW] of NH-37 & NH-37[A] have not touched the subject-plot under Dag no. 221 & Patta no. 42 and as such, there is no question of acquiring the subject-plot or any part of it for the purpose of construction and/or 4-lanning/widening of NH-37 & NH-37[A]. Contending so, Mr. Talukdar has submitted that the writ petition is wholly misconceived

and there is no cause of action for the petitioners to institute the writ petition. It is submitted by him that though the petitioners have claimed that they are in possession of an area of land measuring 2 Kathas 5 Lessas [02K-05L], but their possession other than an area of land measuring 13 Lessas [13L] is not legitimate. As the petitioners do not have any right, title and interest in respect of the area of land other than the said 13 Lessas [13L] of the subject-plot, even if any construction is carried out in that remaining portion of land, the petitioners cannot have any cause of action to institute the writ petition.

10. Mr. Upadhyay, learned Standing Counsel, Irrigation Department has submitted that there is no allegation of any forceful dispossession of 1 Katha 12 Lessas [01K-12L] out of the subject-plot of the petitioners against the authorities in the Irrigation Department nor there is any allegation of forceful dispossession of any area of land from the subject-plot. Since the petitioners have not alleged any forceful and/or high-handed action on the part of the respondent Irrigation Department authorities, the writ petition is misconceived and not maintainable under Article 226 of the Constitution of India. A communication vide no. IGN[W]363/2013/282 dated 08.11.2018 has been placed by Mr. Upadhyay, learned Standing Counsel, NHIDCL. As per the instruction contained therein, the Irrigation Department, more particularly, Kaliabor CAD Division of the Irrigation Department has mentioned that all records of Kaliabor CAD Division were damaged due to flood on 13.08.2017 and in that connection, a flood damage report was submitted by the Executive Engineer, Kaliabor CAD Division, Kaliabor, Nagaon to the Chief Engineer, Irrigation Department vide letter no. CAD[K]F-1/2/94 dated 30.10.2017 apart from an information before the Officer In-Charge, Jakhalabandha Police Station, Nagaon. The Officer In-Charge, Jakhalabandha Police Station had also submitted a police report that the matter was investigated after recording the same in Jakhalabandha Police Station General Diary Entry no. 500 dated 24.10.2017 and the facts stated in the information were found genuine.

11. I have duly considered the submissions of the learned counsel for the parties and have also perused the materials brought on record by the parties through their pleadings.

12. The original ownership and subsequent changes in the ownership of the subject-plot

since the year 1982 till date, have already been outlined in the narration above. It was at the instance of the petitioner no. 2 pursuant to his applications - dated 09.06.2016 & dated 20.10.2016 - field verifications and demarcation of the boundaries of the subject-plot were carried out twice by the respondent no. 6. On the basis of the complaint dated 12.10.2016, the respondent no. 6 with the assistance of Supervisor Kanungoe, Lat Mondal, Chainman, local Government Gaon Bura and the neighbours in and around the subject-plot, carried out the field verification and demarcation process of the boundaries of the subject-plot. It has emerged after such field verification and demarcation process that a part of the subject-plot measuring 1 Katha 12 Lessas [01K-12L=32L] are in possession of the Irrigation Department, Government of Assam and the remaining part of land measuring 13 Lessas [13L] are found in possession of the petitioners. As per the registered Sale Deed dated 27.07.1997, Mahendra Borah i.e. the predecessor-in-interest of the petitioners had purchased the subject-plot measuring 2 Kathas 5 Lessas [02K-05L=45L] from its erstwhile owner and as per Mutation Order dated 08.05.1998 of the respondent no. 6, the subject-plot stood mutated in the name of Mahendra Borah. As per the Jamabandi [Annexure-E], the area of land of the subject-plot purchased by Mahendra Bora was 2 Kathas 5 Leasas [02K-05L=45L].

13. From the affidavit-in-opposition of the respondent no. 6, it has emerged that RoW of NH-37 and NH-37[A] have not touched any land including the subject-plot under Dag no. 221 & Patta no. 42 and as such, there is no question of any acquisition of the subject-plot or any part of the subject-plot for construction and/or 4-lanning/widening of NH-37 & NH-37[A]. The respondent no. 6 has asserted that on both sides of NH-37 & NH-37[A] at the location, there were/are sufficient reserved Government land and the same did not necessitate acquisition of any land in the entire Revenue Village except a piece of land measuring 5 Lessas [05L] from Dag no. 224 & Patta no. 46. The Trace Map annexed by the respondent no. 6 and available in the case papers, go to reflect that for the purpose of construction and/or 4-lanning/widening of NH-37 & NH-37[A], the areas of land falls under Dag no. 321 were utilized. There are areas of land falling under Dag no. 222, in between Dag no. 321 and Dag no. 221, wherein the subject-plot falls. The areas of land under Dag no. 222 are parallel to the areas of land under Dag no. 321. In so far as the acquisition of 5 Lessas [05L] of land are concerned, the respondent no. 6 has stated that the land owner of the said 5 Lessas were duly notified.

14. The afore-stated assertions made by the respondent no. 6 in its affidavit-in-opposition, have not been specifically traversed and controverted by the petitioners in their affidavit-in-reply. In their affidavit-in-reply, the petitioners changing stance, have contended that the Irrigation Department have never acquired any part of the subject-plot and it is not understandable as to how a part of the subject-plot measuring 1 Katha 12 Lessas [01K-12L=32L] out of 2 Kathas 15 Lessas [02K-15L=45L] came under the possession of the Irrigation Department. The petitioners have also asserted that they are still in possession and enjoying an area of land measuring 2 Kathas 5 Lessas [02K-05L] till the time the respondent authorities started construction work by earth filling over a part of the land which were under the possession of the petitioners. The petitioners have indicated about a possibility that they are in possession of a part of land out of 2 Kathas 5 Lessas [02K-05L=45L] wrongly and it was without the knowledge of the petitioners, the Irrigation Department authorities have got into possession of a part of the subject-plot measuring 1 Katha 12 Lessas [01K-12L=32L]. Contending so, the petitioners have, in their affidavit-in-reply, sought for moulding the relief, in substitution of the relief originally sought for in the writ petition, in the form of a direction to the respondent authorities to demarcate the subject-plot properly and thereafter, to correct the relevant records.

15. It is true that the petitioners have been able to show *prima facie* that their predecessor-in-interest, Late Mahendra Borah purchased a plot of land measuring 2 Kathas 5 Lessas [02K-05L=32L] from its erstwhile owners by way of a registered Sale Deed dated 27.10.1997. The petitioners have also made assertion that until the activities were carried out by the respondent authorities for the construction and/or 4-lanning/widening of NH-37 & NH-37[A], the petitioners were in possession of areas of land measuring 2 Kathas 5 Lessas [02K-05L=45L]. On the other hand, it has emerged from the field verification and demarcation process in and around the subject-plot that the Irrigation Department is in possession of a plot of land measuring 1 Katha 5 Lessas [01K-05L=32L] out of the subject-plot and the petitioners are in possession of a plot of land measuring 13 Lessas [13L] under Dag no. 221 & Patta no. 42 out of the subject-plot.

16. It is not the case of the petitioners that after the Mutation Order dated 17.03.2010 whereby their names were mutated in respect of the subject-plot, there was any forceful dispossession of the petitioners by the Irrigation Department authorities. It is also not the case of the petitioners that during their lifetime or at any time after the subject-plot was purchased by Mahendra Borah, there was any forceful dispossession by the Irrigation Department authorities. The petitioners have not denied that the Irrigation Department is not occupying any area of land adjoining the area of land under the petitioners' possession. It has clearly emerged that no part of land under Dag no. 221 & Patta no. 42 was acquired by any of the respondent authorities for the purpose of construction and/or 4-lanning/widening of NH-37 & NH-37[A]. What has, thus, emerged is that there is uncertainty, atleast from the end of the petitioners, about the exact extent of possession under the subject-plot, covered by Dag no. 221 & Patta no. 42. Consequently, what has fallen for consideration is whether in such scenario warrants exercise of the extra-ordinary and discretionary jurisdiction of this Court under Article 226 of the Constitution of India, since for adjudication of the issues involved in the writ petition factual determination of a number of questions of fact would be necessary. If the person aggrieved and the State are owners of adjoining lands and the claim is that the State has encroached over a part of his land, or if there is a simple boundary dispute, the remedy will lie only in a civil suit as the dispute does not relate to any high-handed or arbitrary or unreasonable action of the officials of the State and there is need to examine disputed questions relating to title, extent and actual possession. As the petitioners have failed to establish that the State in high-handed action had taken over any part of their land, thereby, depriving them from their property without any authority of law, it is not open for the petitioners to seek remedy in a writ petition.

17. In the considered view of this Court, the matter involved in the writ petition is a civil dispute as such possibility has been expressed by the petitioners themselves that the Irrigation Department are in possession of a part of the subject-plot and in such a case, the matter is to be decided by a civil court as the matter does not involve any public law element or violation of any fundamental right or any arbitrary and/or high-handed action on the part of any officials of the State.

18. At this juncture, the learned counsel for the petitioners has submitted that the petitioners in the bona fide belief that the remedy against the alleged cause of action, which purportedly arose in the year 2016, lies in public law. He has submitted that if the petitioners approach the civil court, at this stage, seeking restoration of possession, etc., the provisions of the Limitation Act, 1963 might come in the way. It is noticed that contending that the cause of action had arisen in the year 2016, the petitioners had approached this Court invoking the extra-ordinary and discretionary writ jurisdiction under Article 226 of the Constitution of India, by filing the instant writ petition on 21.12.2016. If the contention of the petitioners that cause of action had arisen in the year 2016 with the visit of the officials of the respondent NHIDCL to take measurements of the parcel of land the petitioners are allegedly in possession, then it cannot be said that the writ petition was filed with any amount of delay or there were laches on the part of the petitioners in approaching the court of law.

19. This Court is only concerned with the period spent by the petitioners in pursuing the public law remedy under Article 226 of the Constitution of India on and from 21.12.2016 and is not concerned with the period earlier to 21.12.2016. The exact period/date/year on which the respondent Irrigation Department authorities came into possession of a part of the subject-plot is a question of fact which can be determined on the basis of evidence to be led by the parties in a full-fledged trial.

20. Notwithstanding the above, it is apposite to refer to the provision contained in sub-section [1] of Section 14 of the Limitation Act, 1963 which provides for exclusion of time of proceeding bona fide in a Court without jurisdiction. For ready reference, the said provision is quoted hereunder :

“14. Exclusion of time of proceeding bona fide in court without jurisdiction.

[1] In computing the period of limitation for any suit the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the defendant shall be excluded, where the proceeding relates to the same matter in issue and is prosecuted in good faith in a court which, from defect of jurisdiction or other

cause of a like nature, is unable to entertain it.”

21. The petitioners instead of resorting to the remedy under law before a civil court, have assailed the actions of the respondents before this Court in its writ jurisdiction. The writ petition is not to be entertained in view of availability of appropriate alternative remedy under the law seeking restoration of possession, etc., before a civil court. The true purport of the words, ‘other cause of like nature’, appearing in Section 14 of the Limitation Act, 1963 came to be considered by the Hon’ble Supreme Court of India in **Union of India v. West Coast Paper Mills Ltd.**, reported in **[2004] 3 SCC 458**. It has been held therein to the effect that Section 14 of the Limitation Act, 1963 is wide in its application, inasmuch as it is not confined in its applicability only to cases of defect of jurisdiction but it is applicable also to cases where the prior proceedings have failed on account of other causes of like nature. In **Roshanlal Kuthalia v. R.B. Mohan Singh Oberoi**, reported in **[1975] 4 SCC 628**, it has been held by the Hon’ble Supreme Court of India while considering the words, ‘other cause of like nature’, to the effect that Section 14 of the Limitation Act is wide enough to cover such cases where defects are not merely jurisdictional strictly so called but others more or less neighbours to such deficiencies. Any circumstance, legal or factual, which inhibits entertainment or consideration by the Court of the dispute on merits comes within the scope of Section 14 of the Limitation Act, 1963 and a liberal approach is to be adopted in interpreting the provision of Section 14 of the Limitation Act, 1963 so as not to deprive the person aggrieved to avail the remedy if he has a right. In a three-judge Bench decision in **Rameshwarlal vs. Municipal Council, Tonk**, reported in **[1996] 6 SCC 100**, the Hon’ble Supreme Court while considering the import and purport of the words, ‘other cause of a like nature’, appearing in Section 14 of the Limitation Act, has held that if the High Court has declined to grant relief relegating the petitioner to a suit in the civil court, the petitioner cannot be left remediless. Accordingly, the time taken in prosecuting before the High Court, if pursued diligently and bona fide, needs to be excluded. In **Shakti Tubes Limited vs. State of Bihar and others**, reported in **[2009] 1 SCC 786**, it has been observed by the Hon’ble Supreme Court of India that the provision of Section 14 of the Limitation Act, 1963 should be construed liberally.

22. In the discussion made above, this Court has already found that the writ petition is not

the proper remedy for adjudication of the issues raised by the petitioners. As such, the writ petition cannot be entertained. Consequently, the writ petition is dismissed reserving the liberty to the petitioners to seek proper civil remedy available under the law. In the event the petitioners prefer to seek remedy in the appropriate jurisdictional court, it is observed that the jurisdiction court shall consider the issue of limitation liberally in the light of the observations made hereinabove with regard to the provisions contained in Section 14 of the Limitation Act, 1963, if any delay is occasioned in availing the proper civil remedy and thereafter, shall proceed to consider the same on merits and in accordance with law. There shall, however, be no order as to cost.

**JUDGE**

**Comparing Assistant**