

GAHC010144972022



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

Case No. : WP(C)/4797/2022

MAYLINDA KROPI
D/O- SRI BIRSING KRO, W/O- SRI JOHN MILLIK, R/O- DC COLONY, P.O.
AND P.S. DIPHU, PIN- 782460, KARBI ANGLONG, ASSAM.

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF ROADS TRANSPORT
AND HIGHWAYS, NEW DELHI.

2:THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
DIST.- KARBI ANGLONG
ASSAM- 782460.

3:THE JOINT SECRETARY
DEPARTMENT OF REVENUE
KARBI ANGLONG AUTONOMOUS COUNCIL- CUM- COMPETENT
AUTHORITY OF LAND ACQUISITION (CALA)
DIPHU
DIST.- KARBI ANGLONG
ASSAM- 782460.

4:THE NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD. (NHIDCL)
3RD FLOOR
PTI BUILDING
4- PARLIAMENT STREET
NEW DELHI- 110001.

5:THE DIRECTOR

THE NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD. (NHIDCL)
3RD FLOOR
PTI BUILDING
4- PARLIAMENT STREET
NEW DELHI-110001.

6:THE GENERAL MANAGER (P)
THE NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
(NHIDCL)
PMU- DIPHU
DIPHU- 782460
ASSAM.

7:THE CIRCLE OFFICER
DIPHU REVENUE CIRCLE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU 782460.

8:THE ASSISTANT SETTLEMENT OFFICER
DIPHU REVENUE CIRCLE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
782460

Advocate for the Petitioner : MR. B D KONWAR SR. ADV.

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 16.06.2023

Heard Ms. S. Bhuyan, learned counsel for the petitioner. Also heard Mr. S.K. Medhi, learned CGC appearing for the respondent no.1, Ms. R. Bora, learned standing counsel for the NHIDCL, and Mr. J. Chutia, learned standing counsel for the KAAC.

2. At the outset, the learned standing counsel for the KAAC has submitted that pursuant to order dated 09.06.2023, Shri Tensing Rongpi, the Joint Secretary, Department of Revenue, KAAC, Diphu-cum-Competent Authority for Land Acquisition (CALA) is personally present and affidavit-in-opposition is filed on 15.06.2023 to bring on record that he has already submitted 3A documents in respect of 5 numbers of villages for alignment in Karbi Angling District under National Highways Act, duly verified by Assistant Revenue Officer, Survey Kanungoe, and Concerned Village Survey Mandal under Diphu Revenue Circle, which was sent to the General Manager (P), NHIDCL (respondent no.6). It is submitted that a duly vetted notification under section 3A of the National Highways Act was also been sent after joint verification of the site along with officials of NHIDCL.

3. It is also submitted that initially the nature of the land of the petitioner was shown as residential and after joint verification, the said land has been categorized as commercial.

4. Bereft of detail particulars, it would be sufficient to mention that the petitioner projects himself to be the owner of the land measuring 1 bigha 1 katha 9 lecha : 0.1097 hectre covered by dag no. 65 under periodic patta no.3 situated in village Langtibuk Block No.2 of mouza-Borjan under Diphu Revenue Circle, KAAC and that the Central Govt. through the Ministry of Road Transport and Highways along with NHIDCL is undertaking a process of acquiring land alongside N.H. 29 for widening/four laning etc. on the said highway vide notification dated 22.01.2021. The petitioner claims that the land of the petitioner was shown as residential, whereas it was commercial land. The grievance of the petitioner is that although an objection was submitted on 09.12.2021 to the CALA, but the authorities are proceeding with the land

acquisition process without making necessary rectifications in respect of the class of land of the petitioner. Hence, this writ petition.

5. It is submitted by the learned standing counsel for the KAAC that the land of the petitioner has been verified by the Joint Secretary, Department of Revenue-cum-CALA through the departmental staff and the NHIDCL authorities. As it is also submitted that the requisite documents under 3A of the National Highways Act along with the vetted notification has been sent for publication, the Court is of the considered opinion that in view of the contents of the affidavit filed by the Joint Secretary, Department of Revenue-cum-CALA (respondent no.3), the grievance of the petitioner has been redressed as the class of land has been rectified from residential to commercial.

6. Accordingly, nothing survives for adjudication in this writ petition and therefore, this writ petition stands closed on satisfaction.

7. As the proceedings are closed, the personal appearance of the respondent no.3 is no longer required.

JUDGE

Comparing Assistant