

GAHC010147282023



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

**Case No. : WP(C)/3968/2023**

BIJAY KUMAR CHAMARIA  
S/O LATE MAHABIR PRASAD CHAMARIA,  
R/O MISSA, MOUZA- RANGAGARAH  
P.S. SAMAGURI,  
P.O. MISSA,  
DIST. NAGAON, ASSAM,  
PIN-782138.

VERSUS

THE UNION OF INDIA AND 7 ORS  
REP. BY THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,  
GOVERNMENT OF INDIA.

2:THE STATE OF ASSAM

REP. COMMISSIONER AND SECRETARY  
REVENUE AND D.M. DEPARTMENT  
DISPUR  
GUWAHATI-06

3:THE DEPUTY COMMISSIONER

DIST. NAGAON  
ASSAM

PIN-782002

4:THE ADDITIONAL DEPUTY COMMISSIONER DEVELOPEENT/LAND  
ACQUISITION  
DIST. NAGAON  
ASSAM

PIN- 782002

5:THE ADDITIONAL DEPUTY COMMISSIONER

REVENUE  
DIST. NAGAON  
ASSAM

6:THE CIRCLE OFFICER

SAMAGURI REVENUE CIRCLE

DIST.NAGAON  
ASSAM

PIN-782140

7:NATIONAL HIGHWAY AND INFRASTRUCTURE  
DEVELOPMENT CORPORATION

REP BY DEPUTY GENERAL MANAGER  
PMU TEZPUR  
SWARAF TOWER  
1ST FLOOR OPPOSITE DON BOCSO  
SCHOOL  
MAJGAON  
TEZPUR  
PIN-784001

8:SRI MUKUL BARUAH  
S/O LATE SURENDRA NATH BARUAH R/O MISSA

MOUZA- RANGAGARAH  
P.S. SAMAGURI

DIST.NAGAON  
ASSAM

PIN-78213

**Advocate for the Petitioner : MR T H HAZARIKA**

**Advocate for the Respondent : GA, ASSAM**

**BEFORE  
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

**ORDER**

**Date : 24.07.2023**

Heard Mr. T.H. Hazarika, learned counsel for the petitioner. Also heard Mr. K. Gogoi, learned CGC appearing for the respondent no.1, Ms. G. Hazarika, learned standing counsel for the respondent no.2, Mr. G. Bokoliyal, learned Govt. Advocate appearing for the respondent nos.4 to 7, and Ms. B.L. Singh, learned standing counsel for the respondent no.8.

2. In view of the order proposed to be passed, the issuance of notice on the respondents, including the private respondent no.9 is dispensed with.

3. The petitioner claims to have initiated a suit, being T.S. No. 55/2023 seeking specific performance of contract and alternatively, for recovery of advance provided for sale of the land described in the schedule to the said complaint. During the pendency of the said suit, the petitioner has come to know that the suit land has been acquired for national highway and accordingly, the petitioner has submitted representation before the Deputy Commissioner, Nagaon to hold the payment of compensation during the disposal of T.S. No. 55/2023, which is pending for disposal before the Court of learned Civil Judge, Nagaon.

4. In the said context, the learned standing counsel for the respondent no.8 has submitted that the disbursement of compensation for land acquisition of national highways is to be done by the Additional Deputy Commissioner-cum-Competent Authority for Land Acquisition ('CALA' for short) and the said authority is competent to decide the issues relating to disbursement of compensation. Accordingly, it is submitted that as the representation is not

directly addressed to the said authority, it is quite possible that the Additional Deputy Commissioner-cum-CALA has not taken note of the said representation. The contention of the learned standing counsel for the respondent no.8 is supported by Ms. G. Hazarika, learned standing counsel for the respondent no.2.

5. Be that as it may, as the learned standing counsel for the respondent no.8 has disclosed that appropriate and competent authority to decide the issue of disbursement of land acquisition compensation for land acquired for national highways is Additional Deputy Commissioner-cum-CALA, Nagaon, the Court is inclined to close this writ petition with liberty to the petitioner to move the said authority with such prayer as the petitioner may deem fit and proper.

6. The petitioner is at liberty to support his representation to be filed with a certified and/or downloaded copy of this order.

7. Accordingly, this writ petition stand closed.

**JUDGE**

**Comparing Assistant**