

GAHC010205162021



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

Case No. : WP(C)/5844/2021

RAM PRASAD SHARMA (LEGAL HEIR) AND 4 ORS
S/O LATE ASHOK SHARMA
R/O GAUTAM BASTI
KHATKHATI
P.O. BOKAJAN AND P.S. KHATKHATI
KARBI ANGLONG
ASSAM
PIN 782480

2: BHARAT LAMA

S/O BAHADUR LAMA
R/O GAUTAM BASTI
KHATKHATI
P.O. BOKAJAN AND P.S. KHATKHATI
KARBI ANGLONG
ASSAM
PIN 782480

3: KUMAR CHETRY

S/O DURGA BAHADUR LAMA
R/O GAUTAM BASTI
KHATKHATI
P.O. BOKAJAN AND P.S. KHATKHATI
KARBI ANGLONG
ASSAM
PIN 782480

4: RATAN BHOWMIK

S/O AMULYA BHOWMIK
R/O GAUTAM BASTI
KHATKHATI

P.O. BOKAJAN AND P.S. KHATKHATI
KARBI ANGLONG
ASSAM
PIN 782480

5: TIKARAM SHARMA

S/O LATE NANDALAL SHARMA
R/O GAUTAM BASTI
KHATKHATI
P.O. BOKAJAN AND P.S. KHATKHATI
KARBI ANGLONG
ASSAM
PIN 782480
VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECY. TO THE MINISTRY OF ROAD TRANSPORT
AND HIGHWAYS
GOVT. OF INDIA
NEW DELHI 110001

2: THE STATE OF ASSAM

REPRESENTED BY ITS SECY. TO THE DEPTT. OF HILL AREAS GOVT. OF
ASSAM
GUWAHATI
PIN 781005

3: THE PRINCIPAL SECY.

KARBI ANGLONG AUTONOMOUS COUNCIL DIPHU
KARBI ANGLONG
PIN 782460

4: THE COMPETENT AUTHORITY FOR LAND ACQUISITION
JOINT SECY. (REVENUE) KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU

KARBI ANGLONG
PIN 782460

5: THE GENERAL MANAGER (PROJECT)
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
BRANCH OFFICE DIMAPUR
NAGALAND
INDIA
PIN 782460

6: THE GENERAL MANAGER P
PROJECT MONITORING UNIT (DIPHU) NATIONAL HIGHWAYS AND
INFRASTRUCTURE DEVELOPMENT PWD (IB)

PWD COLONY
LUMDING ROAD
DIPHU
KARBI ANGLONG
PIN 782460
7:THE ASSTT. SETTLEMENT OFFICER

DIPHU CIRCLE
KARBI ANGLONG AUTONOMOUS COUNCIL
P.S. DIPHU AND P.O. DIPHU
DIPHU
KARBI ANGLONG
PIN 782460
8:THE ASSTT. REVENUE OFFICER

DIPHU CIRCLE
KARBI ANGLONG AUTONOMOUS COUNCIL
P.S. DIPHU AND P.O. DIPHU
DIPHU
KARBI ANGLONG
PIN 782460

For the Petitioner(s) : Mr. M. Sarania, Advocate

For the Respondent(s) : Mr. J. Chutia, Standing Counsel
: R. K. Talukdar, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 17.10.2023

1. The instant writ petition has been filed by the Petitioners seeking a direction upon the competent authority to announce the detail award of compensation under Section 3G of the National Highway Act, 1956 pertaining to all the three projects bearing Nos.NL/2018/55830, NL/2018/57890 and NL/2018/58617 under the Scheme for construction of Dimapur Bypass (Assam portion) of 4/6 lane pavement on EPC basis from existing km 159.400 of NH-36

to existing km 102.500 of NH-39 and upto end point of Assam portion (Design km 118.050 to Design km 132.375). The Petitioners had also sought for a direction that the Respondent Authorities should pay the compensation to the Petitioners by bank transfer.

2. Mr. J. Chutia, the learned Standing counsel appearing on behalf of the KAAC submits that the Petitioners rights is limited to the information as regards their individual lands. He further submitted that the Petitioners have been duly paid the due compensation.

3. Mr. M. Sarania, the learned counsel appearing on behalf of the Petitioners submitted that the Petitioners are not satisfied with the compensation and unless the details as to how their compensation have been worked out, it would be difficult for them to file application under Section 3G(5) of the National Highway Act, 1956.

4. This Court heard the learned counsels for the parties and perused the materials on record. It is the opinion of this Court that the Petitioners have rights to know as regards their respective determination of compensation so that they are in a position to seek redressal, if so aggrieved by the inadequacy of the compensation. It is also relevant to take note of that Mr. J. Chutia, the learned Standing counsel appearing on behalf of the KAAC had also submitted that the competent authority of the KAAC is willing to provide the details as to how the compensation has been worked out in respect to the Petitioners within a period of two weeks from the date a certified copy of the order is served.

5. Taking into account the above submission, this Court therefore disposes of the instant writ petition directing the Respondent No.4 to provide the details of the compensation and the manner in which the compensation has been arrived

at in respect to the Petitioners herein within 14 days from the date a certified copy of the instant order is served upon the Respondent No.4. This Court further grants the liberty to the Petitioners to file their application(s), if so aggrieved within two months from the date of receipt of the computation from the Respondent No.4, under Section 3G(5) of the National Highway Act, 1956 before the competent authority for making a reference to the Arbitrator.

6. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant