

GAHC010177772015



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

Case No. : WP(C)/4647/2015

DUTTA LALUNG and 5 ORS
S/O MAHENDRA LALUNG, R/O BARKHAT, P.S. SONAPUR, DIST- KAMRUP,
ASSAM

2: NARENDRA KALITA
S/O LT. BASIRAM KALITA
R/O BARKHAT
P.S. SONAPUR
DIST- KAMRUP
ASSAM

3: DHIRESWAR TALUKDAR
S/O LT. SANTIRAM TALUKDAR
R/O BARKHAT
P.S. SONAPUR
DIST- KAMRUP
ASSAM

4: LUHIBAR DEURI
S/O A. DEURI
R/O BARKHAT
P.S. SONAPUR
DIST- KAMRUP
ASSAM

5: TILOK TERON
S/O LAKHI TERON
R/O BARKHAT
P.S. SONAPUR
DIST- KAMRUP
ASSAM

6: AHINA TERON
R/O BARKHAT

P.S. SONAPUR
DIST- KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE SECY. TO THE GOVT. OF ASSAM, REVENUE,
REHABILITATION AND DISASTER DEPTT., SACHIVALAYA, DISPUR, GHY-6

2:THE DY. COMMISSIONER
KAMRUP METRO
GUWAHATI
DIST- KAMRUP METRO
ASSAM

3:THE CIRCLE OFFICER
SONAPUR REVENUE CIRCLE
SONAPUR
KAMRUP METRO
GUWAHATI

4:THE LAND ACQUISITION OFFICER
KAMRUP METROPOLITAN DISTRICT
GUWAHAT

Advocate for the Petitioner : MR.S BORTHAKUR

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 10.02.2023

Mr. D. Gogoi, learned counsel for the petitioner.

Mr. S. Baruah, learned Government Advocate for the respondents.

This writ petition is filed by 6 (six) numbers of

petitioners, namely, Sri Dutta Lalung, Sri Narendra Kalita, Sri Dhireswar Talukdar, Sri Luhibar Deuri, Sri Tilok Teron and Sri Ahina Teron. Petitioners claim to be the owners and/or the possessor of the Myadi patta land of Barkhat, Siyalkhaity and Karchia villages being Dag Nos. 14, 28, 29, 30, 124, 125 and 126 under Panbari Mouza, Sonapur Revenue Circle in the district of Kamrup, Assam.

It is the case of the petitioner that in the year 2006 the Government of Assam decided to acquire 75 Bighas of land in the said area for establishment of Frontier Head Quarters/Battalion Head Quarters of SSB. In connection with the said acquisition, the Additional Deputy Commissioner directed the concerned Circle Officer, Sonapur Revenue Circle, Sonapur to submit the zirat list and the land valuation statement of the said land.

Thereafter in connection with the said acquisition proceedings, an L.A case being No. L.A. 8/2005/81/102 dated 18.02.2009 was initiated. The Additional Deputy Commissioner directed the Circle Officer to furnish the necessary Possession Certificate along with the report on the correction of the Land Record land measuring 279 Bighas 2 kathas 19 lechas of villages Barkhat, Siyalkhaity and Karchia. It is the submission of the learned counsel for the petitioner that in pursuance to the process of acquisition of land, payment of compensation was processed by the revenue authorities and most of the affected persons have been paid their compensation against

the Myadi patta land. However, in respect of the petitioners the compensation against the zirat standing over the land has not been paid.

The learned counsel for the petitioners refers to the page 3, paragraph 4 of the affidavit filed by the respondent authorities, where a statement is made by the Additional Deputy Commissioner, Kamrup that the zirat list is in the name of 1. Sri Dutta Lalung, 2. Asta Lalung, 3. Forest Lalung and 4. Kasta Lalung, s/o- Lt. Mahendra Lalung and the the estimated amount is Rs.90,191/- (Rupees ninety thousand one hundred ninety one) only, whereas the payable amount of Rs.75,159/- (Rupees seventy five thousand one hundred fifty nine) only. The said Paragraph is extract below:-

“The zirat list in the name of 1. Sri Dutta Lalung, 2. Asta Lalung, 3. Forest Lalung and 4. Kasta Lalung, s/o- Lt. Mahendra Lalung has been received from the Circle Officer, Soanpur Revenue Circle and the estimate for an amount of Rs.90,191.00 (Rupees ninety thousand one hundred ninety one) have been prepared as zirat compensation, where the payable amount is Rs.75,159.00 (Rupees seventy five thousand one hundred fifty nine) only.”

Mr. S. Baruah, learned counsel representing the department submits that in terms of the affidavit certain amounts are shown to be payable to the petitioners mentioned therein. However, the amount has not been released possibly because adequate funds had not deposited by the authority on

whose behalf the land was acquired namely, the SSB.

Having heard the learned counsels for the parties and in view of the averments made in the affidavit-in-opposition it appears that certain amounts have already been assessed as payable to the petitioner No.1 as zirat compensation. If that be so then the respondents are duly bound to release the same at the earliest.

The writ petition therefore can be disposed of with a direction to the respondents more particularly the respondent No.3 and the Inspector General of SSB to ensure that the funds necessary to disburse the compensation amount are deposited and if so deposited the respondent authority more particularly the respondent No. 2 and 3 will ensure disbursement of the zirat compensation to petitioner No.1 as expeditiously as possible, however not later than 90 (ninety) days from the date of receipt of the certified copy of this order. In respect of the claims of the petitioner No.1 to petitioner No.6, the respondent No.2 will cause necessary verification and enquiry and if any amount is found to be payable then the steps will be initiated to release the compensations found payable if any.

Writ petition is accordingly disposed of in terms of the above.

JUDGE

Comparing Assistant