

GAHC010194512021



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

Case No. : WP(C)/6279/2021

MONU NATH AND 2 ORS
S/O. LT. SURESH NATH, VILL. BEDRONG, P.O. KUSHIRARKUL, DIST.
KARIMGANJ, ASSAM, PIN-788009.

2: RANJU NATH
S/O. LT. ABANTI NATH
VILL. TALTALA
P.O. DEWADI
DIST. KARIMGANJ
ASSAM
PIN-788722.

3: NIREN NATH
S/O. ADHIR NATH
VILL. TIKARPARA
P.O. UMARPUR
DIST. KARIMGANJ
ASSAM
PIN-788806

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM,
REVENUE (REFORMS) AND DISASTER MANAGEMENT DEPTT., DISPUR,
GUWAHATI-781006.

2: THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DIPUR
GUWAHATI-781006.

3: THE DEPUTY SECRETARY

TO THE GOVT. OF ASSAM
REVENUE (BUDGET) DEPTT.
DISPUR
GUWAHATI-781006.

4:THE DEPUTY SECRETARY REVENUE (REFORMS) DEPTT.

DISPUR
GUWAHATI-781006.

5:THE COMPENSATION OFFICER

KARIMGANJ
P.O.
P.S. AND DIST. KARIMGANJ
ASSAM
PIN-788710

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : SC, REVENUE

Linked Case : WP(C)/6281/2021

RAJEN NATH AND 3 ORS
S/O. LT. ABANTI NATH
VILL. TALTALA
P.O. DEWADI
DIST. KARIMGANJ
ASSAM
PIN-788710.

2: KANU NATH
S/O. LT. DIGENDRA NATH
VILL. BERDONG
P.O. KUSHIARKUL
DIST. KARIMGANJ
ASSAM
PIN-788009.

3: NIDHU DAS
S/O. LT. BANINDRA DAS
VILL. DUTTAPUR

P.O. CHAPGHAT
DIST. KARIMGANJ
ASSAM
PIN-788701.

4: SARAJIT NATH
S/O. LT. ADHIR NATH
VILL. TIKARPARA
P.O. UMARPUR
DIST. KARIMGANJ
ASSAM
PIN-788806.
VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM
REVENUE (REFORMS) AND DISASTER MANAGEMENT DEPTT.
DISPUR
GUWAHATI-781006.

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DISPUR
GUWAHATI-781006.

3:THE DEPUTY SECRETARY
TO THE GOVT. OF ASSAM
REVENUE (BUDGET) DEPTT.
DISPUR
GUWAHATI-781006.

4:THE DEPUTY SECRETARY REVENUE (REFORMS) DEPTT.

DISPUR
GUWAHATI-781006.
5:THE COMPENSATION OFFICER

KARIMGANJ
P.O.
P.S. AND DIST. KARIMGANJ
ASSAM
PIN-788710.

Advocate for : MR. I H SAIKIA
Advocate for : appearing for THE STATE OF ASSAM AND 4 ORS

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

08.02.2023

Both these writ petitions being connected with an analogous cause of action, the same are taken up for a common hearing to be disposed of by this common judgment and order.

2. The issue in both the writ petitions pertains to payment of compensation. While there are 3 numbers of petitioners in WP(C)/6279/2021, in the other writ petition, viz, WP(C)/6281/2021, there are 4 numbers of petitioners.

3. The projected facts are that the petitioners, in both the writ petitions, are joint tenure holders of various Estates covered by various Taluk numbers which were acquired by the Government of Assam under the State Acquisition of Zamindaries Act, 1951 (Act). After the acquisition of the lands, a Compensation Officer was appointed which had registered cases wherein, compensation was required to be paid. After hearing the petitioners and other concerned persons and after assessment of total compensation payable to the petitioners, the Compensation Officer had passed an Award. As no appeal was preferred under Section 17 of the Act, the Award passed under the Act had attained finality and therefore, the Government was bound to pay compensation in terms of the Award under Section 10 (1) of the Act which, however had not been done. Under those circumstances, the petitioners had earlier approached this Court by filing WP(C)/2892/2010 and 2902/2010 which were disposed of on 25.07.2016 and 24.08.2016, respectively whereby the respondent no. 1 was directed to examine the claims of the petitioners and pay the compensation, if not already paid. The said respondent, however did not comply with the order and the petitioners

alleged that as and when, they had visited the office of the said respondent, the petitioners were not even treated properly. In the meantime, the option of filing of cases under the Contempt of Courts Act, 1971 has also exhausted by limitation and therefore, the writ petitions have been filed.

4. I have heard Shri IH Saikia, learned counsel for the petitioners in both the writ petitions whereas the State of Assam is represented by Shri M Chetia, learned counsel. Also heard Shri R Borpujari, learned Standing Counsel, Revenue Department, Assam.

5. During the pendency of these cases, affidavit-in-opposition has been filed in these matters whereby a pertinent issue has been raised. As per the said affidavit filed by the respondent no.4, it has been stated that a CID case is pending on the issue which was instituted as large scale anomalies were detected in the aforesaid acquisition process. The affidavit, however made it clear that though there were 57 numbers of such cases, the petitioners names do not figure amongst those names and therefore, there should not be any difficulty in consideration of the case of the petitioners. For ready reference, the averments made in paragraphs 4 and 5 of the affidavit-in-opposition dated 13.12.2020 is referred to and is extracted hereinbelow:

“4. That the deponent state that the compensation cases no. KKL-46/83, KKL-90/84, KKL-72/83, KKL-88/84, KKL-10/78, KKL-64/88, KKL-8/78, BH-60/83, BH-44/83, BH-62/83, BH-64/83, BH-66/84, BH-72/84, BH-74/84, BH-35/75, BH-43/83, BH-70/84, KK-26/78, KK-62/83, KK-50/83, KK-30/78, KK-28-78, KK-29-78, KK-29/78, KK-40/78, KK-39/78, KK-36/78 AND KK-46/78 as mentioned by the petitioner are not found in the list of 57 nos. of Zamindari cases that are under the investigation of CID. However, the Govt. has taken a decision that no sanction will be made till the completion of investigation by CID in respect of the 57 nos. cases.

5. That the deponent state that as per the direction of the Hon'ble Chief Minister, Assam, it was directed not to sanction any compensation amount till the completion of enquiry of CID, Assam, the investigation is yet to be completed for which the Revenue & DM Department is not in a position to decide for any payment of compensation to the petitioners."

6. The learned Standing Counsel, Shri Borpujari fairly submits that apparently, there should not be any difficulty in consideration of the case of the petitioners. However, it is additionally submitted that since there is financial aspect, a verification exercise may be permitted to be done before releasing the compensation amount to the petitioners.

7. This Court finds force in the submission of Shri Borpujari, learned Standing Counsel, Revenue Department. Accordingly and considering the fact that no embargo in any form of police case or whatsoever, is pending against the petitioners, the compensation entitled to by them be paid. However, as prayed for, a verification exercise may be done before such payment. However, it is made clear that such verification exercise needs to be completed within a timeframe of 45 days from the date of receipt of a certified copy of this order.

8. It is needless to say that in case of further delay in payment of compensation, the petitioners are at liberty to approach the appropriate forum for grant of interest on the late payment.

9. With the above observation and direction, the writ petitions are disposed of. No costs.

JUDGE

Comparing Assistant