

GAHC010198822022



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

Case No. : WA/319/2022

BISHURAM CHAUHAN
S/O LT. SUKHRAJ CHAUHAN R/O LASKAR PATHAR, MOUZA- LANKA
P.S.LANKA, DIST. NAGAON, NOW HOJAI ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS .
REP. BY THE COMMISSIONER AND SECRETARY, PUBLIC WORKS
DEPARTMENT, DISPUR, GUWAHATI - 781006.

2:THE CHIEF ENGINEER

PUBLIC WORKS DEPARTMENT ROAD
CHANDMARI
GUWAHATI- 781003.

3:THE DEPUTY COMMISSIONER

NAGAON DISTRICT AT NAGAON.

4:THE SUB-DIVISIONAL OFFICER CIVIL
and COLLECTOR
SANKARDEV NAGAR
HOJAI.

5:THE CIRCLE OFFICER

LANKA REVENUE CIRCLE
AT LANKA

6:THE EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT
NAGAON
RURAL ROAD DIVISION AT NAGAO

Advocate for the Petitioner : MR. A R SHOME

Advocate for the Respondent : SC, PWD

BEFORE
HON'BLE THE CHIEF JUSTICE (ACTING) MR. N. KOTISWAR SINGH
HON'BLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

08.02.2023

[N. Kotiswar Singh, CJ(Acting)]

Heard Mr. S. Chauhan, learned counsel for the appellant. Also heard Mr. D. Nath, learned Senior Government Advocate, appearing for the State respondents and Ms. N. Bordoloi, learned standing counsel, Revenue Department.

2. On perusal of the pleadings, we find that the appellant/petitioner sought for the following reliefs in the writ petition:-

"It is, therefore, prayed that Your Lordships may be pleased to issue Rule, call for the Record, call upon the Respondents to show cause as to why the amount of compensation as determined by the Collector, for acquisition of land Rs.3,03,180/- shall not be paid to the petitioner with interest from the date of determination on 19/09/2014 @ 9% for one year and thereafter @ 15% till payment is made & after hearing the parties, after perusal of records be pleased to direct the respondents to pay the amount of compensation to the petitioner and/or pass such other order as your Lordship may deem fit and proper.

During the pendency of this application the respondents be directed to pay the petitioner his amount of compensation.

And for this act of kindness the petitioner as in duty bound shall ever pray."

3. From the above it can be ascertained that the appellant was seeking interest on the

amount due from the date of determination on 19.09.2014 @ 9% for one year and thereafter @ 15% till payment.

4. Though in the present appeal, learned counsel for the appellant submits that he was dispossessed since 2004 as such he shall be entitled to interest also from 2004. We are not inclined to entertain the said plea inasmuch as the said plea was not taken in the writ petition as his prayer was for payment of interest only from the date of determination on 19.09.2014.

5. Under the circumstances, we modify the direction of the learned Single Judge for directing the respondent authorities to pay the interest as mentioned under Section 80 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 w.e.f. 19.09.2014 on the amount due of ₹ 3,03,180/-, which is not disputed by Mr. Nath, learned Senior Government Advocate, for the State respondents, which shall be paid forthwith.

6. Accordingly, the said principal amount shall also be paid by the State respondents, more particularly the respondent Nos.1, 2 and 6, to the appellant along with interest at the rate prescribed under Section 80 of the 2013 Act without any further delay.

7. The appeal is accordingly disposed of.

Sd/- Soumitra Saikia
JUDGE

Sd/- N. Kotiswar Singh
CHIEF JUSTICE (ACTING)

Comparing Assistant