

GAHC010204632019



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

Case No. : WP(C)/6429/2019

BUBULI BORTHAKUR AND 7 ORS.

S/O- LATE SIVA PRASAD SARMA @ BORTHAKUR, R/O DAGAON, P.O.
CHARIALI, P.S.- BISWANATH CHARIALI, DISTRICT- BISWANATH, ASSAM.
PIN- 784176.

2: NILOTPAL BORTHAKUR

S/O- LATE KANAK SARMA @ BORTAKUR
R/O PURONI GAON
P.O.- BISWANATH GHAT
P.S. BISWANATH CHARIALI
DISTRICT- BISWANATH
ASSAM. PIN- 784177.

3: PRANJAL BORTHAKUR

S/O- LATE KANAK SARMA @ BORTAKUR
R/O PURONI GAON
P.O.- BISWANATH GHAT
P.S. BISWANATH CHARIALI
DISTRICT- BISWANATH
ASSAM. PIN- 784177.

4: SMTI. BINU BORTHAKUR

D/O- LATE KANAK SARMA @ BORTAKUR
R/O PURONI GAON
P.O.- BISWANATH GHAT
P.S. BISWANATH CHARIALI
DISTRICT- BISWANATH
ASSAM. PIN- 784177.

5: SMTI. RINU BORTHAKUR

D/O- LATE KANAK SARMA @ BORTAKUR
R/O PURONI GAON
P.O.- BISWANATH GHAT
P.S. BISWANATH CHARIALI

DISTRICT- BISWANATH
ASSAM. PIN- 784177.

6: GIRINDRA NATH BORTHAKUR
S/O- LATE GUNA SARMA @ BORTHAKUR
R/O PURONI GAON
P.S.- BISWANATH CHARIALI
P.O.- BISWANATH GHAT
DISTRICT- BISWANATH
ASSAM
PIN- 784177.

7: DULAL BORTHAKUR
S/O- LATE GUNA SARMA @ BORTHAKUR
R/O PURONI GAON
P.S.- BISWANATH CHARIALI
P.O.- BISWANATH GHAT
DISTRICT- BISWANATH
ASSAM
PIN- 784177.

8: BIREN BORTHAKUR
S/O- LATE GUNA SARMA @ BORTHAKUR
R/O PURONI GAON
P.S.- BISWANATH CHARIALI
P.O.- BISWANATH GHAT
DISTRICT- BISWANATH
ASSAM
PIN- 784177

VERSUS

THE UNION OF INDIA AND 21 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD TRANSPORT
AND HIGHWAYS, TRANSPORT BHAWAN 1, PARLIAMENT STREET, NEW
DELHI- 110001.

2:THE STATE OF ASSAM
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM
DISPUR
GUWAHATI- 781006.

3:THE ADDITIONAL CHIEF SECRETARY
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
GOVERNMENT OF ASSAM
DISPUR
GUWAHATI- 781006.

4:THE DEPUTY COMMISSIONER
SONITPUR DISTRICT
AT TEZPUR
ASSAM- 784001.

5:THE DEPUTY COMMISSIONER
BISWANATH DISTRICT
AT BISWANATH CHARIALI
ASSAM- 784176.

6:THE SUB-DIVISIONAL OFFICE (CIVIL)
BISWANATH
ASSAM- 784176.

7:THE ADDITIONAL DEPUTY COMMISSIONER CUM COMPETENT
AUTHORITY
LAND ACQUISITION SONITPUR DISTRICT
ASSAM.

8:THE CIRCLE OFFICER
BISWANATH REVENUE CIRCLE
BISWANATH CHARIALI
ASSAM- 784176.

9:BIPUL BHUYAN
S/O- LT. KAMALA KANTA BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

10:RATUL BHUYAN
S/O- LT. KAMALA KANTA BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

11:SMTI. JULA BHUYAN
DAUGHTER-IN-LAW OF LT. KAMALA KANTA BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION

DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

12:SMTI. MAMONI BHUYAN
LT. KAMALA KANTA BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

13:AJIT BHUYAN
SON OF LT. DEHIRAM BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

14:PURNA BHUYAN
SON OF LT. DEHIRAM BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

15:BROJEN BHUYAN
SON OF LT. DEHIRAM BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

16:DWIJEN BHUYAN
SON OF LT. DEHIRAM BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

17:DILIP BHUYAN
SON OF LT. HEM BHUYAN @ HEM CHANDRA BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

18:MANASH JYOTI BHUYAN
SON OF LT. HEM BHUYAN @ HEM CHANDRA BHUYAN
RESIDENT OF VILLAGE- DAWGAON
P.O. DUBIA
UNDER GOHPUR POLICE STATION
DISTRICT- BISWANATH
ASSAM
PIN CODE- 784178

19:SMTI. DHANESWARI SAIKIA
W/O LATE KOLAI SAIKIA
RESIDENT OF VILLAGE NIZ BAGHMARI
POST OFFICE BURIGANG
DISTRICT- BISWANATH
ASSAM
PIN- 784176.

20:HAREN SAIKIA
S/O LATE KOLAI SAIKIA
RESIDENT OF VILLAGE NIZ BAGHMARI
POST OFFICE BURIGANG
DISTRICT- BISWANATH
ASSAM
PIN- 784176.

21:JITU SAIKIA
S/O LATE KOLAI SAIKIA
RESIDENT OF VILLAGE NIZ BAGHMARI
POST OFFICE BURIGANG
DISTRICT- BISWANATH
ASSAM
PIN- 784176.

22:JAYANTA SAIKIA
S/O LATE KOLAI SAIKIA
RESIDENT OF VILLAGE NIZ BAGHMARI
POST OFFICE BURIGANG
DISTRICT- BISWANATH

ASSAM
PIN- 784176

Advocate for the Petitioner : MR. P K DEKA

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 25-05-2023

The petitioners, 8 [eight] in nos., have joined together to institute the present writ petition under Article 226 of the Constitution of India seeking inter alia setting aside and quashing of an order dated 08.08.2019, passed by the respondent no. 7, that is, the Additional Deputy Commissioner cum Competent Authority of Land Acquisition [CALA]. By the order dated 08.08.2019, the respondent no. 7 had apportioned the compensation amount assessed for parcels of land, mentioned hereinbelow, in terms of the Award passed in Land Acquisition Case no. 79/2015 between the claimants which included the present petitioners.

2. The necessary background facts, relevant for the purpose of consideration of the writ petition can be narrated, in brief, as follows :- A process of acquisition was initiated by the Ministry of Road Transport and Highways [MoRT&H], Government of India [GoI] for extension of National Highway no. 37A, 52 & 52A in the year 2015 and for that purpose, a land acquisition case, Land Acquisition Case no. 79/2015 was registered. The respondent no. 7 came to be appointed as a Competent Authority in terms of the provisions of Section 3[a] of the National Highways Act, 1956.

3. The following parcels of land located at Village – Kamargaon under Biswanath Revenue Circle, District – Sonitpur [hereinafter referred to as 'the subject-plots' also, at place, for easy reference], came to be acquired under the said process of acquisition :-

Sl. No.	Dag No.	Patta No.	Area
1	287	NK-3	0.147 Hect.

2	328	NK-3	0.327 Hect.
3	288	NK-3	0.081 Hect.
4	289	NK-2	0.058 Hect.
5	327	NK-2	0.428 Hect.
6	664	PP-221	0.013 Hect.
7	663	PP-221	0.044 Hect.

4. It is the case of the petitioners that their predecessors-in-interest viz. [1] Late Siva Prasad Sarmah @ Borthakur, [2] Late Kanak Chandra Sarmah @ Borthakur, and [3] Late Ghanakanta Sharma @ Borthakur were owners of the afore-mentioned parcels of land and after their deaths, the petitioners became owners of the afore-mentioned parcels of land. The names of the petitioners are accordingly reflected in the records of rights [Jamabandi] for the surveyed village. The petitioners have claimed that they have been paying the land revenues for the afore-mentioned parcels of land since long.

5. On 11.12.2015, notices were issued in the names of the predecessors-in-interest of the petitioners by the CALA in connection with Land Acquisition Case no. 79/2015, intimating that their presence were necessary at the Land Acquisition Branch, O/o the Deputy Commissioner, Sonitpur on the scheduled date in the matter of acquisition of the afore-mentioned parcels of plots of land. The notices further indicated that the noticees would be required to produce the copies of the passbook, up-to-date revenue receipts and the Jamabandis in respect of the afore-mentioned parcels of land. On issuance of the notice dated 11.12.2015, the respondent nos. 9 – 22 had also approached the office of the respondent no. 7 and staked their claims in the compensation amounts assessed for the afore-mentioned parcels of land for acquisition, claiming themselves to be holding rights as rayats [occupancy tenants] in respect of the afore-mentioned parcels of land.

6. It is the further case of the petitioners that the respondent nos. 9 – 22 were occupancy tenants of the afore-mentioned parcels of lands under the predecessors-in-interest of the petitioners, who used to cultivate those lands. But, after the death of the predecessors-in-interest of the petitioners, the present petitioners are neither cultivating

those parcels of land nor they are dependent on cultivation. It is projected that both the petitioners as well as the respondent nos. 9 – 22 are pursuing other occupations other than cultivations. With such projections, the petitioners have claimed that the respondent nos. 9 – 22 cannot claim themselves to be occupancy tenants in respect of the afore-mentioned parcels of lands and are not entitled to any share in the compensation amount.

7. Subsequent to the appearance of the petitioners and the respondent nos. 9 – 22 before the office of the respondent no. 7 responding to the notice dated 11.12.2015, the matter did not proceed further. It was in the year 2017, the respondent no. 8 had issued notices to the petitioners as well as the respondent nos. 9 – 22 on 20.01.2017 asking them for their presence before him again on 31.01.2017 for the purpose of hearing the dispute regarding the afore-mentioned parcels of land. On receipt of the notice dated 20.01.2017, the petitioners stated to have appeared before the respondent no. 8.

8. The petitioners have alleged that by keeping them in dark, the respondent nos. 9 – 18 approached this Court by filling a writ petition, W.P.[C] no. 2140/2017 with a projection that since they were the occupancy tenants in respect of the subject-plots of land, they had permanent, heritable and transferable right of ownership in respect of the subject-plots of land and were entitled to get compensation for acquisition. The respondent nos. 19 – 22 had also approached this Court by filling another writ petition, W.P.[C] no. 6148/2017 seeking similar kind of relief. As in none of the said two writ petitions, the present petitioners were not impleaded as parties, the present petitioners got themselves impleaded as party-respondents in the two writ petitions by approaching the Court and after hearing their prayer for impleadment as party-respondents in the two writ petitions, they were allowed to be impleaded as party-respondents in both the writ petitions. After being so impleaded, the petitioners herein as party-respondents therein, stated to have filed affidavits-in-oppositions in both the writ petitions.

9. Both the writ petitions came up for consideration on 30.01.2019. After hearing the learned counsel for the parties and having regard to the contentions raised by them, the Court was of the view that there were disputed questions of facts which would need

determination. Since determination of disputed questions of facts were involved, the Court by order dated 30.01.2019 relegated the petitioners and the private-respondents therein to the Competent Authority appointed under Section 3[a] of the National Highways Act, 1956 i.e. the respondent no. 7 herein. Directing the parties to appear before the Competent Authority within a period of 30 [thirty] days from 30.01.2019 and dispensing with the procedure of notice for such appearances, the writ petitions were disposed of, granting liberty to the parties to raise any ground or defence available to them for claiming disbursement of the compensation in respect of the acquisition of the subject-plots of land. It was further provided that on appearance of the parties, the Competent Authority would give an opportunity of personal hearing to the parties and/or their authorized representatives and decide the matter in respect of their entitlements to the payment and/or apportionment of the land compensation as they might be entitled to under the law.

10. Pursuant to the order dated 30.01.2019, both the petitioners and the respondent nos. 9 – 22 herein, approached the respondent no. 7 and submitted applications along with all the relevant supporting documents required for disbursement/apportionment of the compensation amount given under the Award passed as per the provisions of National Highways Act, 1956. Notices were issued by the respondent no. 7 on 22.04.2019 to the petitioners and the respondent nos. 9 – 22 herein, requesting them to appear before him on 08.05.2019 regarding payment of compensation given under the Award passed in connection with the National Highways project at Village – Kamargaon, Biswanath Revenue Circle.

11. After hearing the parties, the respondent no. 7 passed the impugned order on 08.08.2019 inter alia holding that the subject-plots of land were lands under the occupancy of tenants and were not fallow lands. Drawing support from the provisions of Assam Fixation of Ceiling on Land Holdings Act, 1956, as amended, the respondent no. 7 proceeded to apportion the compensation amount between the petitioners as the owners of the subject-plots of land and the respondent nos. 9 – 22 as the occupancy tenants in respect of the subject-plots of land. By the order dated 08.08.2019, the respondent no. 7 had observed that [a] if a tenant is an occupancy tenant, he would get 35 times and the owner gets 15 times; and [b] if a tenant is not an occupancy tenant, the tenant gets 30 times and the owner gets

20 times [if the land is not fallow]. By laying down the mode of distribution/apportionment in respect of the Award passed under the National Highways Act, 1956 in the afore-stated manner, the respondent no. 7 ordered that the Award stood modified accordingly. Aggrieved by the order dated 08.08.2019, passed by the respondent no. 7, the petitioners have instituted the instant writ petition seeking reliefs, referred above.

12. I have heard Mr. P.K. Deka, learned counsel for the petitioners; Ms. R. Bora, learned Standing Counsel, National Highways Infrastructure Development Corporation of India Limited [NHIDCL] for the respondent no. 1; Mr. M. Chutia, learned Junior Government Advocate, Assam for the respondent nos. 2, 4, 5, 6, 7 & 8; and Mr. A. Bhattacharjee, learned Standing Counsel, Revenue Department for the respondent no. 3. None has appeared for the respondent nos. 9 – 22 though the names of the learned counsel for the said respondents are reflected in the cause-list.

13. From the records and the counter affidavit of the respondent NHIDCL, it has emerged that the Gazette Notification under Section 3A of the National Highways Act, 1956 concerning the subject-plots of land was issued on 05.03.2014. By the said notification issued under Section 3A, the Government of India in the MoRT&H expressed its intention to acquire inter-alia the subject-plots of land, located at Kamargaon for the purpose of construction/widening of National Highway nos. 37A, 52 & 52A. After completion of the procedure prescribed under Section 3B and Section 3C of the National Highways Act, 1956, the Gazette Notification under Section 3D[1] of the National Highways Act, 1956 came to be published on 22.01.2015. With the publication of the declaration under sub-section [1] of Section 3D, the plots of land including the subject-plots of land stood vested absolutely in the Central Government free from all encumbrances in terms of the provisions of sub-section [2] of the Section 3D of the National Highways Act, 1956. In the case in hand, the acquiring agency is the National Highways Infrastructure Development Corporation of India Limited [NHIDCL]. It is not in dispute that compensation in terms of sub-section [1] of Section 3G of the National Highways Act, 1956 was determined by the Competent Authority.

14. It has been asserted in the counter affidavit of the respondent NHIDCL that the Award

under Section 3G[1] of the National Highways Act, 1956 had been passed in conformity with the principles laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement [RFCTLARR] Act, 2013 and the MoRT&H, GoI had deposited the compensation amount determined under Section 3G[1] in the account of the Competent Authority for further disbursement. The Gazette Notifications issued under Section 3A and Section 3D are found annexed to the counter affidavit of the respondent NHIDCL. In the said Gazette Notifications, the names of the predecessors-in-interest of the petitioners are found reflected with a note that there were rayati khatian pattadars in the subject-plots of land.

15. The fact that the Award under Section 3G[1] of the National Highways Act, 1956 has been passed in the case in hand, also gets substantiated from the Order no. NHI/FIN/68 dated 25.05.2015 of the respondent NHIDCL, annexed as Annexure-4 to its counter affidavit, whereby an amount of Rs. 120.00 crores was released by the NHIDCL in favour of the Competent Authority as first installment amount for acquisition of private lands, capitalized land revenue and other expanses. From the said Order dated 25.05.2015, it is further reflected that the total amount demanded by the respondent no. 7 i.e. the Competent Authority towards compensation was Rs. 297.90 crores. Subsequently, an amount of Rs. 108.40 crores as second installment was released by the respondent NHIDCL on 20.10.2015. Another amount of Rs. 40.00 crores was released by the respondent NHIDCL on 31.03.2016.

16. Mr. Deka, learned counsel for the petitioners has submitted that while passing the order dated 08.08.2019, the respondent no. 7 as the Competent Authority of Land Acquisition [CALA] appointed under Section 3[a] of the National Highways Act, 1956, had exceeded his jurisdiction in adopting a method of apportionment by taking resort to the provisions of the Assam Fixation of Ceiling on Land Holdings Act, 1956 [‘the Ceiling Act’, for short] as guidance. It is his contention that the respondent no. 7 could not have resorted to the provisions of the Ceiling Act as guidelines for apportionment of the compensation amount of the Award determined by him earlier. He could not have apportioned the Award in the manner between the respondent no. 9 – 22 i.e. the purported occupancy tenants and the owners i.e. the petitioners by modification of his own Award. On a query made by this Court, Mr. Deka has

fairly submitted that after such apportionment by the impugned order dated 08.08.2019, the petitioners have not raised any dispute before any authority and they have instituted the present writ petition being dissatisfied with the methodology adopted by the respondent no. 7 as the Competent Authority in apportioning the amount which, according to him, should not have been apportioned between the petitioners and the respondent nos. 9 – 22.

17. Section 3G of the National Highways Act, 1956 has provided for the procedure for determination of amount payable as compensation. As per sub-section [1] of Section 3G, where any land is acquired under the Act, there shall be paid an amount which shall be determined by an order of the Competent Authority. Under sub-section [2], it has provided that where the right of user or any right in the nature of an easement on, any land is acquired under the Act, there shall be paid an amount to the owner and any other person whose right of enjoyment in that land has been affected in any manner whatsoever by reason of such acquisition an amount calculated at ten per cent, of the amount determined under sub-section [1], for that land. It is laid down in sub-section [3] to the effect that before proceeding to determine the amount under sub-section [1] and sub-section [2], the Competent Authority shall give a public notice published in two local newspapers inviting claims from all persons claiming interest in land acquisition. Section 3G[4] has mentioned about the contents of such public notice.

18. As per sub-section 3G[5], if the amount determined by the Competent Authority under sub-section [1] or sub-section [2] is not acceptable to either of the parties, the amount shall, on an application by either of the parties, be determined by the Arbitrator to be appointed by the Central Government. It is apposite to state that the Commissioner, North Assam Division as the Arbitrator appointed under Section 3G[5] of the National Highways Act, 1956 had already passed a Final Award on 28.05.2018. The amount so determined by the Arbitrator under Section 3G[5] the said Final Award is not questioned by either the petitioners or the respondent nos. 9 – 22 herein, the question of determination by the Arbitrator appointed under Section 3G[5] is not an issue involved herein.

19. From a combined reading of the materials on records and the provisions of Sections

3A, 3B, 3D, 3E and 3G of the National Highways Act, 1956, there is no dispute to the fact that there is no challenge to the manner of assessment of the compensation amount by the Arbitrator in the Final Award dated 28.05.2018. The dispute is limited to the issue of apportionment of the compensation amount determined by the Award of the Competent Authority.

20. It is stated that the amount determined under Section 3G has already been deposited by the respondent NHIDCL on behalf of the Central Government to the Competent Authority in terms of the provisions of sub-section [1] of Section 3H. Sub-section [2] of Section 3H requires that as soon as the amount deposited under sub-section [1], the Competent Authority shall on behalf of the Central Government pay the amount to the person or persons entitled to the same. Sub-section [3] of Section 3H has mentioned that where several persons claim to be interested in the amount deposited under sub-section [1] of Section 3H, the Competent Authority shall determine the persons who in its opinion are entitled to receive the amount payable to each of them. From the materials on record, it is evident that the Order dated 08.08.2019 passed by the respondent no. 7 as the Competent Authority of Land Acquisition [CALA] is in exercise of the powers conferred on him under sub-section [3] of Section 3H of the National Highways Act, 1956.

21. Thus, if the petitioners are aggrieved in any manner with respect to the methodology adopted by the respondent no. 7 as the Competent Authority of Land Acquisition [CALA] under the National Highways Act, 1956 for apportionment by the Order dated 08.08.2019, the petitioners are required to raise a dispute as to the apportionment of the amount passed in respect of the compensation amount. In this connection, it is apposite to refer the provisions of sub-section [4] of Section 3H of the National Highways Act, 1956. It has been provided therein that if any dispute arises as to the apportionment of the amount or any part thereof or to any person to whom the same or any part thereof is payable, the Competent Authority shall refer the dispute to the decision of the Principal Civil Court of Original Jurisdiction within the limits of whose jurisdiction the land is situated.

22. It is settled that if a statute provides for an adequate and efficacious remedy, the

extra-ordinary and discretionary jurisdiction under Article 226 of the Constitution of India is not to be exercised ordinarily. The provision contained in sub-section [4] of Section 3H has expressly provided that if any dispute arises as to the apportionment of the amount or to any person to whom the same or part thereof is payable, the Competent Authority shall refer the dispute to the decision of the Principal Civil Court of Original Jurisdiction within limits of whose jurisdiction the land is situated. It has emerged that in the case in hand, the petitioners have not raised any dispute as to the apportionment of the compensation amount made by the Competent Authority of Land Acquisition [CALA] i.e. the respondent no. 7 vide its order dated 08.08.2019 directly, subsequent to 08.08.2019, before the said authority. Instead, they have chosen to prefer a writ petition under Article 226 of the Constitution of India. The proper steps for the petitioners would have to raise a dispute before the Competent Authority of Land Acquisition [CALA] immediately after the Order dated 08.08.2019, which has not been done in the case. A period of about 3½ years have elapsed in the meantime. It is submitted at the same time to the effect that there is no disbursement of the compensation amount in terms of the Final Award dated 28.05.2018 of the Arbitrator and the Order dated 08.08.2019 amongst the claimants/eligible beneficiaries till date.

23. In the above obtaining facts and circumstances of the case, this Court is of the view that there should be finality as regards the apportionment of the compensation amount assessed in terms of the Final Award amongst the claimants, that is, the petitioners and the respondent nos. 9 – 22 herein for the compensation amounts assessed in respect of the subject-plots of land. By looking at the nature of dispute raised by the petitioners herein in this writ petition, this Court is of the clear view that the dispute is one which is referable under sub-section [4] of Section 3H of the National Highways Act, 1956. In such view of the matter, it would be appropriate to direct the Competent Authority of Land Acquisition [CALA] i.e. the respondent no. 7 to treat the issues raised in the present writ petition instituted by the petitioners as a dispute raised as regards apportionment of the amount of compensation under sub-section [4] of Section 3H on receipt of a certified copy of this order. It is accordingly ordered. It is further directed that on receipt of a certified copy of this order along with a copy of the writ petition with Annexures and a representation stating their contentions as regards apportionment, from the end of the petitioners, the respondent no. 7

as the Competent Authority of Land Acquisition [CALA] shall refer the same as a dispute to the Principal Civil Court of Original Jurisdiction within the limits of whose jurisdiction the subject-plots are situated, within a period of 15 [fifteen] days from the date of such receipt. The amount of compensation assessed in terms of the Final Award dated 28.05.2018 in respect of the subject-plots if not disbursed till date, shall be transmitted immediately to the jurisdictional Principal Civil Court of Original Jurisdiction. It is expected that the jurisdictional Principal Civil Court of Original Jurisdiction where the dispute under Section 3H[4] of the National Highways Act, 1956 is to be referred, will make the endeavour to decide the dispute expeditiously. The impugned order dated 08.08.2019 shall be kept in abeyance till the final decision rendered by the jurisdictional Principal Civil Court of Original Jurisdiction. It is further observed that the parties contesting the dispute shall cooperate in the expeditious disposal of the said proceedings. The jurisdictional Principal Civil Court of Original Jurisdiction where the dispute is to be referred, shall pass further order for disbursement of the compensation amount in conformity with the final decision on apportionment arrived at and rendered by it.

24. With the findings arrived at, observations made and directions given above, the writ petition is disposed of. There shall, however, be no order as to cost.

JUDGE

Comparing Assistant