

GAHC010221202023



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

**Case No. : WA/375/2023**

ILABATI DEB AND 3 ORS.  
W/O LATE SADHAN CHANDRA DEB, R/O VILL- HOWRAGHAT TINIALI,  
MOUZA- LANGPHER, P.O.-KACHUPUKHURI, P.S.-HOWRAGHAT, DIST.-  
KARBI ANGLONG, ASSAM, PIN- 782482.

2: SUDHAMA DEB  
S/O LATE SADHAN CHANDRA DEB  
R/O VILL- HOWRAGHAT TINIALI  
MOUZA-LANGPHER  
P.O.-KACHUPUKHURI  
P.S.-HOWRAGHAT  
DIST-KARBI ANGLONG  
ASSAM  
PIN- 782482

3: HARIPAD DEB  
S/O LATE SADHAN CHANDRA DEB  
R/O VILL- HOWRAGHAT TINIALI  
MOUZA-LANGPHER  
P.O.-KACHUPUKHURI  
P.S.-HOWRAGHAT  
DIST-KARBI ANGLONG  
ASSAM  
PIN- 782482

4: SATYAJIT DEB  
S/O LATE SADHAN CHANDRA DEB  
R/O VILL- HOWRAGHAT TINIALI  
MOUZA-LANGPHER  
P.O.-KACHUPUKHURI  
P.S.-HOWRAGHAT  
DIST-KARBI ANGLONG  
ASSAM  
PIN- 78248

VERSUS

THE UNION OF INDIA AND 12 ORS.  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY  
OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN, 1,  
PARLIAMENT STREET, NEW DELHI-110001.

2:THE EXECUTIVE DIRECTOR  
NHIDCL  
2ND FLOOR  
AGNISHANTI BUSINESS PARK  
OPPOSITE AGP OFFICE  
AMBARI  
GUWAHATI-781001.

3:THE GENERAL MANAGER (LA AND COORD.)  
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT  
CORPORATION LIMITED

REGIONAL OFFICE- GUWAHATI  
ASSAM  
PIN-781001.

4:THE GENERAL MANAGER (P)  
NATIONAL HIGHWAYS INFRASTRUCTURE DEVELOPMENT  
CORPORATION LIMITED  
PMU  
DIPHU  
PWD (IB)  
PWD COLONY  
LUMDING ROAD  
DIPHU  
PIN-782460.

5:THE STATE OF ASSAM  
REPRESENTED BY THE COMMISSIONER AND SECRETARY  
GENERAL ADMINISTRATION DEPTT.  
DISPUR  
GUWAHATI-781006.

6:THE STATE OF ASSAM  
REP. BY THE ADDITIONAL CHIEF SECREATRY TO THE ADDITIONAL  
CHIEF SECRETARY TO THE GOVT. OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT.  
ASSAM  
SECRETARIAT  
DISPUR

GUWAHATI- 781006.

7:THE KARBI ANGLONG AUTONOMOUS COUNCIL  
REPRESENTED BY ITS PRINCIPAL SECRETARY  
DIPHU  
KARBI ANGLONG  
ASSAM  
PIN-782460.

8:THE PRINCIPAL SECRETARY  
KARBI ANGLONG AUTONOMOUS COUNCIL  
DIPHU  
KARBI ANGLONG  
ASSAM  
PIN-782460

9:THE JOINT SECRETARY CUM COMPETENT AUTHORITY FOR LAND  
ACQUISITION  
KARBI ANGLONG AUTONOMOUS COUNCIL  
ASSAM  
PIN-78246

10:THE DISTRICT COMMISSIONER  
KARBI ANGLONG AUTONOMOUS COUNCIL  
ASSAM  
PIN-782460.

11:THE ASSISTANT SETTLEMENT OFFICER  
PHULONI REVENUE CIRCLE  
KARBI ANGLONG AUTONOMOUS COUNCIL  
ASSAM  
PIN-782460

12:THE ASSISTANT REVENUE OFFICER  
PHULONI REVENUE CIRCLE  
KARBI ANGLONG AUTONOMOUS COUNCIL  
ASSAM  
PIN-782460

13:NATIONAL HIGHWAYS AUTHORITY OF INDIA  
REPRESENTED BY ITS CHAIRMAN  
G 5 AND 6  
SECTOR 10  
DWARKA  
NEW DELHI-11007

**Advocate for the Petitioner** : MR. P. D. NAIR, MR. A J SARMA, MR. G. ALAM

**Advocate for the Respondent : SC, NHIDC**

**BEFORE  
HONOURABLE THE CHIEF JUSTICE  
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND**

**ORDER**

**Date : 28-09-2023**

Heard the learned counsel appearing for the parties.

The instant writ appeal is preferred against the order dated 18.09.2023, passed by the learned Single Judge in I.A.(C) No. 2837/2023 in WP(C) No. 5205/2023.

The dispute between the parties to the instant writ appeal and the captioned writ petition is regarding valuation of the appellants' building/house/structures standing on the plot of land, which has been acquired by the National Highway and Infrastructure Development Corporation Limited (NHIDC) for the purpose of widening/upgrading the existing National Highway-29 to 4-Lane Highway in the District of Karbi Anglong, Assam.

The construction of the Highway at the location, where the appellants' buildings/houses are located, is held up on account of the *ad-interim* order dated 19.04.2023 passed by the Commissioner cum Arbitrator appointed under sub-section 5 of section 3G of the National Highways Act, 1996. By the said interim order dated 19.04.2023, the Arbitrator directed not to demolish the residential house, structure and not to uproot the trees standing on the appellant's land. By another order dated 02.05.2023, the Arbitrator directed that the Valuation Officer, Income Tax shall assess the market value of the building/house/structures of the petitioners (appellants herein) at the rate applicable as on 03.11.2020.

It may be stated herein that in the intervening period the post of Arbitrator has been abolished and, thus, the proceedings before the Arbitrator are stalled thereby construction/widening of the Highway in question has been adversely affected.

In view of the peculiar facts narrated above, it is hereby directed that copy of this

order shall be presented to the Valuation Officer, Central Public Works Department (CPWD).

Copy of this order be provided to the competent authority in the CPWD within two days, whereupon the CPWD authority shall appoint a suitable date for the valuation of the property within the next five days. The valuation shall be carried out in terms of the order dated 02.05.2023, passed by the Arbitrator.

The appellants herein and the representative(s) of the NHIDCL may remain present and shall be permitted to append their signatory during the measurement as well as in the valuation proceedings.

The *ad-interim* stay order dated 19.04.2023 passed by the Arbitrator shall stand vacated after the valuation report is prepared and presented in the arbitration proceedings.

Writ appeal stands disposed of in terms of the above observations and directions.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**