

GAHC010247632022



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

Case No. : WP(C)/7851/2022

CHAMPA DEKA
D/O- LT. KUHURAM DEKA, R/O- VILL- TOPATOLI (PART), P.S. KHETRI,
DIST.- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
DM (L.R.) DEPTT., DISPUR, GHY-6

2:THE DY. COMMISSIONER AND COLLECTOR
KAMRUP (M) DISTRICT
GUWAHATI
ASSAM

3:THE ADDL. DY. COMMISSIONER
KAMRUP (M) DISTRICT
IN-CHARGE OF ACQUISITION BRANCH
GHY
ASSAM

4:THE CIRCLE OFFICER
SONAPUR REVENUE CIRCLE
SONAPUR
P.S. SONAPUR
DIST.- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR I HAQUE

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

11.08.2023

Heard Mr. I. Haque, learned counsel for the petitioner. Also heard Ms. N.

Bordoloi, learned Standing Counsel, Revenue Department, Assam appearing for the respondent No.1 and Ms. S. Baruah, learned Govt. Advocate, Assam appearing for the respondent Nos.2, 3 and 4.

The case of the writ petitioner is that land belonging to the deceased father of the petitioner, viz., Late Kuhuram Deka was acquired by the district administration at the instance of the N. F. Railway authorities for construction of a public project. According to the petitioner, her father was a tenant in respect of the land which was acquired for the N.F. Railway authorities. As per law, after the demise of her father, although the petitioner is entitled to receive compensation, no such payment has been made to her till today. Hence, this writ petition.

Mr. S. Baruah, learned Govt. Advocate, Assam submits on instructions received from the respondent No.2 that the Railway authorities have deposited the amount of compensation and the claim of the petitioner will be addressed as soon as she submits proper documents including the next of kin certificate (NoK) or legal heir certificate establishing her link with the land.

Responding to the above, Mr. Haque submits that all the necessary documents have already been submitted by the petitioner before the respondent No.2. If that be so, no practical purpose would be served by keeping the writ petition pending any further before this Court.

This writ petition is, therefore, disposed of with a direction upon the respondent Nos.2 and 3 to examine the claim of the petitioner and release the amount found to be due and payable to her for acquisition of the land in question. If the respondent Nos.2 and 3 are of the opinion that any further document is required to be produced by the petitioner in support of her claim for compensation, the list of such documents be furnished to the petitioner within two weeks from the date of receipt of a certified copy of this order granting her to four week's time to produce the same. Within two months from today, the amount be released, subject to furnishing all the necessary documents required under the law, by the petitioner.

Needless to say, the objection filed by the petitioner seeking enhancement of compensation shall also be considered as per law and if necessary, the matter may be sent to the Reference Court.

With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant