

GAHC010252972022



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

Case No. : WP(C)/8054/2022

SODESH JIDUNG AND 8 ORS
S/O- LENTHO JIDUNG, R/O- VILL- THAISALINGHAWAR, P.O. AND P.S.
DEHANGI, DIST.- DIMA HASAO (ASSAM), PIN- 788819

2: SOMITHA JIDUNG
S/O- KANU KHARSA
R/O- VILL- SURONGDISA
P.O. AND P.S. DEHANGI
DIST.- DIMA HASAO (ASSAM)
PIN- 788819

3: RONGMILA JIDUNG
D/O- BOSHTON BATHARI
R/O- VILL- LANGDRENGKRO
P.O. AND P.S. DEHANGI
DIST.- DIMA HASAO (ASSAM)
PIN- 788819

4: HOLMEN JIDUNG
S/O- RINGPHAINON JIDUNG
R/O- VILL- LARGDRENGKRO
P.O. AND P.S. DEHANGI
DIST.- DIMA HASAO (ASSAM)
PIN- 788819

5: BINOD KEMPRAI
S/O- KOBISH KEMPRAI
R/O- VILL- SURONGDISA
P.O. AND P.S. DEHANGI
DIST.- DIMA HASAO (ASSAM)
PIN- 788819

6: MONDISH DAOLAGUPU
S/O- DEBONJAY DAOLAGUPU

R/O- VILL- LANGDRENGKRO
P.O. AND P.S. DEHANGI
DIST.- DIMA HASAO (ASSAM)
PIN- 788819

7: SORONUTUS HOJAI
S/O- JOTON HOJAI
R/O- VILL- SURONGDISA
P.O. AND P.S. DEHANGI
DIST.- DIMA HASAO (ASSAM)
PIN- 788819

8: DINEN LANGTHASA
S/O- BIDASING LANGTHASA
R/O- VILL- CHOTOWAPU
P.O. GUNJUNG
P.S. HAFLONG
DIST.- DIMA HASAO (ASSAM)
PIN- 788819

9: JOYPORNO JIDUNG
S/O- LT. RANGHAM JIDUNG
R/O- VILL- LANGDRENGKRO
P.O. AND P.S. DEHANGI
DIST.- DIMA HASAO (ASSAM)
PIN- 78881

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY SECY. TO THE GOVT. OF ASSAM (LR) DEPTT., DISPUR, GHY-06

2:THE PRINCIPAL SECRETARY
N.C. HILLS AUTONOMOUS COUNCIL
HAFLONG
DIST.- DIMA HASAO
PIN- 788819
ASSAM

3:THE DY. COMMISSIONER
DIST.- DIMA HASAO
HAFLONG
PIN- 788819
ASSAM

4:THE SECRETARY AND REVENUE OFFICER (W)
NC HILLS AUTONOMOUS COUNCIL
HAFLONG

DIST.- DIMA HASAO
PIN- 788819
ASSAM

5:THE CHIEF ENGINEER
PUBLIC WORKS ROAD DEPTT. (EAP) FATASIL AMBARI
GHY
DIST.- KAMRUP (M)
PIN- 781025

6:THE EXECUTIVE ENGINEER
PUBLIC WORKS ROAD DEPTT.
HAFLONG
DIST.- DIMA HASAO
PIN- 788819
ASSA

Advocate for the Petitioner : MR. B BARUAH

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

26.04.2023

Heard Shri B. Baruah, learned counsel for the petitioners. Also heard Shri C. Sarma, learned counsel for the NCHAC. Ms. N. Bordoloi, learned Standing Counsel, Revenue Department as well as Ms. S. Sarma, learned State Counsel are present.

2. Considering the stand of the NCHAC in its affidavit dated 01.02.2023, this writ petition is taken up for disposal at the admission stage.

3. The petitioners are residents of various villages in the district of Dima Hasao. The projected case of the petitioners is that due to the constructions of the Asom Malla (two lane highway), lands of the petitioners were adversely affected and there was no verification / assessment of the loss. The petitioners have accordingly approached this Court for a direction that proper assessment be done of the loss suffered and damage would be paid to them in accordance with law.

4. Shri Baruah, learned counsel for the petitioners has however fairly submitted that in the affidavit-in-opposition filed by the authorities of the NCHAC on 01.02.2023, it has been stated that re-verification is being done over the land in question whereafter appropriate steps would be taken.

5. Shri C. Sarma, learned counsel for the NCHAC while endorsing the submission made on behalf of the petitioners submits that in the affidavit dated 01.02.2023 mentioned above, the aforesaid averment has been made in paragraphs 8 and 9. The said paragraphs are extracted hereinbelow-

“8. That with regard to the statements made in paragraph 4 of the writ petition the deponent begs to state that necessary notices have already been served to all the concerned Gaonburas of the villages mention in the writ petition. Accordingly, joint spot verification and assessment has also been done by the concerned Revenue Department, NC Hills Autonomous Council, Haflong in respect of all the sites as per the alignment of the proposed Asom Malla Project.

9. That with regard to the statements made in paragraph 6 of the writ petition the deponent begs to state that spot re-verification of the sites is going on throughout the proposed stretches of the project to ascertain that no affected people were left out in the said Asom Malla Project.”

6. The learned counsel for the petitioners accordingly submits that in view of such statements, the relief claimed can be modified to the extent that the re-verification exercise be concluded expeditiously and the outcome of the same be communicated to the petitioners.

7. In view of the aforesaid facts and circumstances, the instant writ petition is disposed of by directing the respondent no. 4 to complete the re-verification exercise expeditiously and preferably within a period of 2(two) months from today and thereafter to communicate its outcome to the petitioners and other affected persons.

8. The writ petition accordingly stands disposed of.
9. It is needless to state that based on the re-verification exercise, necessary consequences are required to be followed in accordance with law.

JUDGE

Comparing Assistant