

GAHC030001942023



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

Case No. : WP(C)/37/2023

Sh. Thangkunga
S/o Hluanchhinga (L),
R/o North-East Khawdungsei,
Saitual District, Mizoram.

VERSUS

The State of Mizoram and 2 Ors.
Aizawl. 2: The Deputy Commissioner
Saitual District
Saitual
Mizoram.

3: The Competent Authority for Land Acquisition (CALA) / Additional Deputy
Commissioner
Saitual Dist.
Saitual
Mizora

Advocate for the Petitioner : Mr Zoramchhana

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 - R3

B E F O R E
HON'BLE MR. JUSTICE NELSON SAILO

12.05.2023

Heard Mr. Zoramchhana, learned counsel for the petitioner, who submits that by

filing this writ petition under Section 226 of the Constitution of India, the petitioner prays for a direction to the respondent authority concerned i.e. respondent No. 3 to release the amount of compensation awarded to him for acquisition of his land under National Highways Act, 1956.

[2.] He submits that the acquisition proceedings was conducted under the aforesaid provision in respect of Package-I Part-I 'B' NE Khawdungsei and parts of Ngopa for rehabilitation and upgradation of two lane with paved shoulders of Keifang-Tuivai section of NH-102B from Existing Chainage km 122. As a result of the process, the petitioner has been awarded a sum of Rs. 1,43,13,774/-. Although payment has been made to all other similarly situated persons during the month of December 2022, the petitioner was left out due to the fact that his grandson had filed Declaratory Suit No. 231/2022 before the Court of Senior Civil Judge, Aizawl. However, his grandson Sh. Vanlalawmpuia withdrew the Declaratory Suit on 13.04.2023 with liberty to approach the Arbitrator appointed as per the provision of the National Highways Act.

[3.] The learned counsel for the petitioner submits that to the knowledge of the petitioner, Sh. Vanlalawmpuia has not approached the Arbitrator and in fact, he being not a party to the acquisition proceedings, he cannot approach the Arbitrator. He, therefore, submits that the amount of compensation awarded to the petitioner may be directed to be released to him. He submits that the petitioner is also a cancer patient and requires the awarded sum for his treatment immediately.

[4.] This Court on 27.04.2023, while issuing notice to the respondents directed the learned Government Advocate Mr. P C Lalthangmawia to obtain instructions as to whether any arbitration proceeding was pending in connection with the award made in favour of the petitioner. Today, on instructions, he submits that no such proceeding is pending before the Arbitrator and that the amount of compensation awarded can be released by the respondent No. 3. He, therefore, submits that the respondent No. 3 can be directed to release the amount to the petitioner.

[5.] Upon hearing the learned counsels for the parties and upon perusal of the materials available on record, it appears that there is no impediment in directing the respondent No. 3 to release the compensation amount to the petitioner. Accordingly, the respondent No. 3 is directed to release the amount of compensation awarded to the petitioner in terms of the 3G Package-I Part-1 'B' NE Khawdungsei and parts of Ngopa, without further delay.

[6.] The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant