

GAHC030003122021



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

Case No. : WP(C)/90/2021

Sova Rani Chakma and 13 Ors.
W/o Dhana Ram Chakma
R/o Bornasury, Kurvalovasora
Pin-Lawngtlai-796770
2: Buban Chandra

3: Deepali Chakma

4: Biro Bahu

5: ArunBikas

6: Bhimbisha

7: Maya Mohan

8: Sushi Mohan

9: Queston Chakma

10: Arun Maya

11: Renuka Chakma

12: Soisona Chakma

13: Panchoga

14: Kamadin

VERSUS

The State of Mizoram and 6 Ors.
R/b The Chief Secy. to the Govt. of Mizoram,
MINECO,
Khatla, Aizawl 2:Secretary to the Govt. of Mizoram
Power and Electricity Department

3:Engineer-in-Chief
Power and Electricity Department
Mizoram

4:Superintending Engineer
Lunglei Power Circle

5:Executive Engineer
Lawngtlai Power Division
Power and Electricity Department

6:Executive Engineer
Power Maintenance Division II
Lunglei

7:Deputy Collector/Deputy Commissioner
Lawngtlai Distric

Advocate for the Petitioner : Mr. J. C. Lalnunsanga

Advocate for the Respondent : Ms. Mary Lalruatkimi Khiangte,(G.A., Mizoram)

**BEFORE
HONOURABLE MR. JUSTICE AJIT BORTHAKUR**

ORDER

13.02.2023

Heard Mr. J.C. Lalnunsaga, learned counsel appearing for the petitioners as well as Ms. Mary L. Khiangte, learned Government Advocate, Mizoram appearing for the State respondents.

2. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for an order for immediate disbursement of compensation to them due to construction of power transmission line as per assessment made by the respondent No. 7 pursuant to report of the Joint Verification Team duly constituted by the respondent No. 7 in Circular, dated 23.02.2018.

3. The case of the petitioners, in brief, is that the respondents had executed the work of installation of 33 KV power transmission line from Tlabung to Borapansury-I during 2016-17. The lands of the petitioners with standing crops, fruits and other trees were damaged while executing the work. The petitioner No. 1 along with her son Rustom Chakma made complaint to the District Collector, Lawngtlai District, for payment of compensation to the affected land owners due to construction of the aforesaid power transmission line. Pursuant to the complaint made by the petitioner No. 1, the District Collector, Lawngtlai District issued Circular, dated 23.02.2018 for constitution of a Joint Verification Team for assessment of damage caused to the lands and accordingly, conducted assessment of the lands of the petitioners as directed by the respondent No. 7/District Collector without doing assessment of the other lands which were

difficult to access directing them to clear the passage for re-verification. But, after completion of assessment, the respondents did not take any steps for payment and disbursement of compensation.

4. The petitioners have contended that the petitioner No. 1 through his son, namely Rustom Chakma requested the respondent Nos. 3 and 7 on 29.09.2018 and 25.02.2019 for disbursement of compensation to the beneficiaries. On 07.03.2019, the respondent No. 3/Engineer-in-Chief, Power & Electricity Department, Mizoram by responding to the representations, dated 29.09.2018 and 25.02.2019 replied that the Sub-Divisional Officer (Civil), Chawngte submitted report of joint verification conducted on 6th and 7th March, 2018 to the respondent No. 7/District Collector who was the Assessing Officer and who undertook that the department would pay compensation according to the assessment made by him. The respondent No. 3 also stated in his letter, dated 07.03.2019 that he entrusted the respondent No. 5/the Executive Engineer, Lawngtlai Power Division, Power & Electricity Department to pursue the matter.

5. The petitioners have further contended that in spite of representations, dated 29.09.2018 and 25.02.2019 as well as reply, dated 07.03.2019 by the respondent No. 3, as the petitioners were not given any compensation for damages caused to their respective lands, they through their lawyer, served Legal Notice on the respondents on 29.01.2020 for disbursement of compensation to the affected land owners. After serving of the Legal Notice, dated 29.01.2020, the respondent No. 5/the Executive Engineer, Lawngtlai Power Division, Power & Electricity Department requested the respondent No. 6/Executive Engineer, Power Maintenance Division 11, Lunglei District to take necessary action and furnished copies of assessment report and request, dated

17.03.2020 to the Superintending Engineer, Lunglei Power Circle and EO to Engineer-in-Chief, Kawlphetha Building, Aizawl, Mizoram for necessary action. The petitioners have now approached this Court for immediate disbursement of compensation as awarded by the respondent No. 7.

6. Ms. Mary L. Khiangte, learned Government Advocate, has produced a letter, dated 02.02.2023 written by the Under Secretary to the Govt. of Mizoram, Power and Electricity Department addressed to the Engineer-in-Chief of the aforesaid department with reference to the instant petition informing him **“that as the present required fund could not be accommodated in the R.E.2022-23, re-appropriation of fund from savings, if any, may be made for payment of the compensation.”** Therefore, Ms. Khiangte prays for convenient time to make the required fund available for payment to the petitioners as the financial year will expire on 31.03.2023.

7. In view of the above information, Mr. J.C. Lalnunsaga, learned counsel appearing for the petitioners, submits no objection if some time is granted as prayed but, subject to payment of interest on the payable amount to the petitioners based on the assessment made by the respondent No. 7 in pursuance to report of the Joint Verification Team constituted in the year 2018.

8. Having considered the above submissions made by the learned counsel for both sides in the context of the contentions made in the petition supported by documents and further, the assurance for payment of compensation to the petitioners, it is provided that the respondent authorities, more particularly, the respondent No. 7, the District Collector/Deputy Commissioner, Lawngtlai District shall make payment of compensation to the petitioners as per assessment to

the victim/writ petitioners due to routing of 33 KV lines from Tlabung to Borapansury-I during 2016-17 **on or before 30.06.2023, failing which, the awarded amount shall carry an interest @9 percent, per annum, till payment is made.**

9. A copy of the above referred letter, dated 02.02.2023 is taken on record.

10. A copy of this order shall be furnished to the learned Government Advocate (Ms. Mary L. Khiangte).

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

JUDGE

Comparing Assistant