

GAHC030004412023



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

Case No. : WP(C)/104/2023

Sh. T. Zahluta @Zahluta
S/o T. Zahnuka (L)
R/o Bungtlang, Serchhip District

VERSUS

The State of Mizoram r/b the Chief Secretary to the Govt. of Mizoram and 7 Ors.
Govt. of Mizoram
Aizawl2:The Secretary to the Govt. of Mizoram
Land Revenue and Settlement Department

3:The Director
Land Revenue and Settlement Department
Govt. of Mizoram

4:The Competent Authority for Land Acquisition (CALA)-cum-Deputy
Commissioner
Serchhip District

5:The Union of India through the Secretary
Ministry of Road Transport and Highways

6:The Regional Officer
Govt. of India
Ministry of Road Transport and Highways

7:National Highways and Infrastructure Development Corporation Limited
(NHIDCL)

8:Executive Director
NHIDCL (Projects)

Advocate for the Petitioner : Mr. Jonathan L Sailo

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 to 3

BEFORE
HON'BLE MR. JUSTICE NELSON SAILO

16.11.2023

Parties are represented by their respective counsels except for the respondent No. 4 i.e. the Competent Authority for Land Acquisition (CALA)-cum-Deputy Commissioner, Serchhip District, Mizoram.

2. The learned counsel appearing for the respondents submits that since they have not received instruction, further three weeks time may be granted for filing counter affidavit. However, having regard to the nature of grievance projected by the petitioner and the issue involved, the matter is taken up for disposal at this stage.

3. By filing this writ petition, the petitioner seeks for a direction to the respondent authority concerned to make an assessment towards the value of his land covered by Periodic Patta No. 606302/10/62 of 2004 located at Keitum, Serchhip District Mizoram alongwith all applicable statutory benefits entitled to him as per law for the road widening of NH 54 from Aizawl to Tuipang Road under the National Highways Act, 1956 (National Highways Act) as his land had been affected. It is the case of the petitioner that although assessment was made for payment of compensation under National Highway Act and the petitioner was also given some amount of compensation towards crops and trees, but no land value has been given to him. The petitioner sought for information from the respondent No. 4 by filing an application under the

RTI on 08.05.2023. In reply, the petitioner was informed that all the Periodic Patta holders have been paid compensation towards value of their land and that the petitioner was left out due to some clerical errors. According to the petitioner although he approached the respondent No. 4 but since no consideration was made for assessment of compensation towards value of land, he having no alternative is before this Court.

4. Mr. Jonathan L. Sailo, learned counsel for the petitioner submits that the petitioner is a holder of the Periodic Patta, which was duly issued by the competent authority and therefore he is entitled to be paid compensation for value of his land similarly to those who have already been given. The reply to the RTI application according to the learned counsel also clearly shows that it was merely due to the clerical errors that land value was not paid. He therefore submits that appropriate direction may be issued to the respondent No. 4 for making assessment as per entitlement to the petitioner and for payment of the assessed amount.

5. Upon hearing the learned counsels and upon perusal of the materials available on record, I am of the considered view that the petitioner admittedly appears to have not been given compensation towards the value of his land on account of clerical error on part of the establishment of the respondent No. 4. This fact is evident from the RTI application submitted by the petitioner and the reply given to him.

6. Accordingly, the writ petition is disposed of with a direction to the respondent No. 4 to make an appropriate assessment for the value of the land of the petitioner which was affected due to the construction work alongwith all other statutory benefits, as may be available to him as per law within a period of one month from the date of receipt of a certified copy of this order. Upon finalisation of the assessment, the respondent No. 4 shall forward the same to the respondent No. 5 to 8, who shall then deposit the assessed amount before the respondent No. 4 for onward disbursement to the petitioner. Such exercise should be carried out by the respondent Nos. 5 to 8

within a period of three months from the date of receipt of an assessment made by the respondent No. 4.

7. With the above observation and direction, the writ petition stands disposed of.

JUDGE

Comparing Assistant