

GAHC030006452023



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

Case No. : WP(C)/147/2023

Shri C.Lalkhalha and 15 Ors.
S/o Lawnga (L)
R/o Keifang, Saitual District
Mizoram 2: Shri Hrangthuama
S/o Laiawrha (L)

R/o Keifang
Saitual District
Mizoram

3: Shri Ranghnuna (L) r/b Malsawmi
S/o Rothuama
R/o Keifang
Saitual District
Mizoram

4: Smt. Sangthluaii (L) r/b Lalhmuakliana
D/o Bawihbanga (L)
R/o Keifang
Saitual District
Mizoram

5: Smt. Nuthangi
W/o R.Laltanpuia
R/o Keifang
Saitual District
Mizoram

6: Shri Rosangzuala
S/o Chawngthuama
R/o Keifang
Saitual District
Mizoram

7: Shri P. Vala (L) r/b Rotuaki
R/o Keifang
Saitual District
Mizoram

8: Smt. Zorampari
D/o Chawnghlira
R/o Keifang
Saitual District
Mizoram

9: Shri H.Biakmawia (L) r/b Vanlalhruii
S/o Hmuaksiamia (L)
R/o Keifang
Saitual District
Mizoram

10: Shri KN Lalnunzira (L) r/b Lalrintluangi
S/o Zakhuma (L)
R/o Keifang
Saitual District
Mizoram

11: Shri Rosangmawia
S/o Chuaukhuma
R/o Keifang
Saitual District
Mizoram

12: Shri C. Lalrosanga
S/o Chawnghlira
R/o Keifang
Saitual District
Mizoram

13: Smt. Lalthuampuii (L) r/b C. Lalmuanawma
D/o Lalpianga (L)
R/o Keifang
Saitual District
Mizoram

14: Shri Laldawngliana
S/o Bawlliana
R/o Keifang
Saitual District
Mizoram

15: Shri Zodinliana

S/o Zahlira
R/o Keifang
Saitual District
Mizoram

16: Smt. P. Vanlalhriati
D/o Laiawrha (L)
R/o Keifang
Saitual District
Mizora

VERSUS

The Union of India r/b Secretary to the Ministry of Road Transport and Highways and
3 Ors.

Govt. of India, Transport Bhawan, Parliament Street, New Delhi - 110001

2: The Competent Authority/Addl. Depy. Commissioner

Saitual
Mizoram

3: The National Highways and Infrastructure Development Corp. Ltd. (NHIDCL) r/b
Managing Director

3rd Floor

PTI Building

4 Parliament Street

New Delhi - 110001

4: The General Manager (LA and Admin)

NHIDCL

3rd Floor

T-86

Tuikhuahtlang

Aizawl

Mizoram - 79600

Advocate for the Petitioner : Mr Zoramchhana

Advocate for the Respondent : Ms Zairemsangpuii

B E F O R E
HON'BLE MRS. JUSTICE MARLI VANKUNG
ORDER

01.12.2023

Heard Mr. Zoramchhana, learned counsel for the petitioners.

This is an application under Article 226 of the Constitution of India, wherein the petitioners have approached this Court due to the fact that the respondents had acquired the land of the petitioners for the development of National Highway Bearing No. 6 and accordingly, the respondent No. 2 had passed the Award vide Revised 3G Part-III (NH-06) as per NHIDCL Requirement dated 10.10.2022, wherein the assets of the petitioners were to be acquired. The petitioners were however verbally informed by the respondents that they are not entitled to payment of solatium, though the same has been clearly reflected in Column No. 13 and Column No. 15 of the said Award which reflects the solatium amount. Aggrieved, they have filed the instant writ petition.

The learned counsel also submits that the petitioners are also aggrieved by the fact that the respondent No. 2 had not included any market value for the land in the said award. The petitioners have filed representations to respondent No. 2 for including the market value of the land. However, till date the respondent No. 2 has not considered their representations and no response have been received. The learned counsel prays that a direction may be given to the State respondents that the respondent No. 2 should consider the representations submitted by the petitioners.

Having heard the submission made by the learned counsel for the petitioners, this Court, in view of the limited prayer made by the petitioners find it fit to dispose of the instant writ petition with a direction that the petitioners

should approach the respondent No. 2 by way of a representation for payment of solatium as shown at Column No. 13 and Column No. 15 of the Award vide Revised 3G Part-III (NH-06) as per NHIDCL Requirement dated 10.10.2022. Thereafter, the respondent No. 2 should consider and dispose of the representations of the petitioners once filed, along with the pending representation for assessment of the value of the land acquired by the respondents, with a speaking order and as per law within 4 (four) weeks of receiving the representation for payment of solatium.

The instant writ petition stands disposed of with the above directions without going into the merits of the case. Thereafter, if still aggrieved, the petitioners are given the liberty to approach the Court afresh, if so advised.

JUDGE

Comparing Assistant