



Serial No.20

Supp. List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 58 of 2024

Date of Order :11.07.2024

1. Shri. Netjing Sangma,
S/o Rangdon Marak,
R/o H.No. 20, Daluagre,
West Garo Hills, Meghalaya.
2. Shri. Benash Marak,
S/o (L) Ramdon N.Sangma,
R/o H. No. 4, Gimbil Adinggre,
West Garo Hills, Meghalaya.

...Petitioners.

-Versus-

1. The State of Meghalaya,
Represented by the Chief Secretary to the
Govt. of Meghalaya.
2. The Commissioner & Secretary to the
Govt. of Meghalaya,
Revenue & Disaster Management Department.
3. The Commissioner & Secretary to the
Govt. of Meghalaya,
Public Works Department.
4. The Joint Secretary to the
Govt. of Meghalaya,
Revenue & Disaster Management Department.
5. The Chief Engineer,
Public Works Department (Roads),
Meghalaya, SHillong.



6. The Executive Engineer,
Public Works Department (Roads),
NH cum Tura Central Division,
Tura. Meghalaya.
7. The Collector/Deputy Commissioner (Rev.),
West Garo Hills District, Tura.
8. The Secretary to the Govt. of India,
Ministry of Road Transport and Highways,
New Delhi.
9. The General Manager,
National Highway Infrastructure Development
Corporation Ltd. (NHIDCL),
B.O.Shillong, Meghalaya.
10. The Deputy General Manager,
National Highway Infrastructure Development
Corporation Ltd. (NHIDCL),
S.B.O.Tura, Meghalaya.
11. The Director General,
Meghalaya Institute of Governance (MIG),
Shillong, Meghalaya.

...Respondents

Coram:

Hon'ble Mr. Justice H.S.Thangkhiew, Judge.

Appearance:

For the Petitioner/Appellant(s) :	Mr. S.Dey, Adv. Ms. N.Rajee, Adv.
For the Respondent(s) :	Ms. R.Colney, GA for R 1-7. Dr. N.Mozika, DSGI with Ms. A.Pradhan, Adv. for R 8-10.



- | | | |
|-----|--|--------|
| i) | Whether approved for reporting in
Law journals etc: | Yes/No |
| ii) | Whether approved for publication
in press: _ | Yes/No |
-

JUDGMENT AND ORDER (ORAL)

1. The writ petitioners who are stated to be the land owners are before this Court with a complaint that no proper survey was conducted in the project being carried out for expansion of NH 51 (Tura/Dalu Road) which is being executed by the respondents No. 8, 9 & 10.

2. Ms. R.Colney, learned GA for the respondents No. 1-7 submits that, that is not the case, inasmuch as, the acquisition process is going on and what remains to be done is to correct the mathematical and clerical errors which will enable the respondents thereafter to disburse the compensation as entitled. Learned GA has also drawn the attention of this Court to the affidavit filed in this regard wherein at paragraphs 5 & 6 it has been stated as follows. The same being relevant is reproduced herein below:

“5. That the answering deponent further submits that the unavoidable delay in ascertaining the land compensation in connection with the instant widening project arise for reason that during disbursement of the land acquisition amount few mathematical and clerical errors were detected in the approved apportionment which occurred at the time of data entry and which could have hampered the rightful land owners depriving from land



compensation. The same was conveyed to the Revenue & Disaster Management Department, Government of Meghalaya. It is submitted that vide letter No. RDA. 103/2015/Vol-II/1224, dated Shillong, the 5th January, 2022, the Revenue & Disaster Management Department, Meghalaya requested the answering deponent to conduct any correction or arithmetic mistakes either in the award or error arising therein as per the provision of Section 33 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Accordingly, the requisite correction or arithmetic mistakes to ascertain the land acquisition was carried out and thereafter, vide letter No. TVG.18/2015/Part-V/135-A dated : Tura, the 6th June, 2023 the Revenue & Disaster Management Department, Meghalaya was duly informed. Hence for reasons stated herein, inordinate delay was caused in ascertaining and payment of the land compensation of few land owners which also includes the writ petitioners.

6. That the answering deponent submits that pursuant to the letter dated 06-06-2023, the Revenue & Disaster Management Department, Meghalaya vide letter No. RDA. 103/2015/Vol-II/1226 dated Shillong, the 26th June, 2023 forwarded the apportionment of compensation for the land acquisition for widening of NH 51 wherein the names of the writ petitioner has been included. It is submitted that chart enclosed in the said letter indicates that writ petitioner No. 1 (Shri. Netjing Sangma at Sl.29) under the Daluagre A'king, West Garo Hills District and writ petitioner No. 2 (Shri. Vinash/Benash Sangma at Sl.32) under the Rongbilbanggre and Gambil Ading A'king, West Garo Hills District."



3. In view of the averments made that the process is on for ascertaining the correct picture, the grievance of the writ petitioners that no process has been undertaken by the respondents is therefore misplaced.

4. It is submitted by Dr. N.Mozika, learned DSGI assisted by Ms. A.Pradhan, learned counsel for the respondents No. 8, 9 & 10 that from their part, an amount of approximately ₹ 40 crores have already been deposited with the State respondents for disbursal.

5. Accordingly, in view of the statements made in the affidavit, this writ petition is disposed of with a direction that the State respondents complete the process most expeditiously preferably within a period of six months from the date of this order.

Judge