



Serial No.13
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C). No. 106 of 2022

Date of Order : 06.08.2024

Shri. Shingbirth R. Marak.

...Petitioner

-Versus-

1. State of Meghalaya represented by
Chief Secretary, Meghalaya, Shillong.
2. Additional Chief Secretary I/C
Revenue & Disaster Management Department,
Government of Meghalaya, Shillong.
3. Joint Secretary to the Government of
Meghalaya, Revenue & Disaster Management,
Shillong.
4. The Collector/Deputy Commissioner,
(Revenue), West Garo Hills, Tura,
Meghalaya.
5. The Union of India
Represented by its Secretary,
Ministry of Road Transport and Highways,
New Delhi.
6. The National Highways and Infrastructure
Development Corporation Limited (NHIDCL),
Represented by General Manager,
3rd Floor, House No. 206 Law College Road
Dhankheti near Springfield School,
Meghalaya, Shillong.
7. The Meghalaya Institute of Governance (MID)



Lumpyngad Cottage, Bishop Cotton Road,
Shillong – 1.

...Respondents

Coram:

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

Appearance:

For the Petitioner/Applicant(s) : Mr. P.T.Sangma, Adv.

For the Respondent(s) : Mr. S.Sen, GA for R 1-4.
Dr. N.Mozika, DSGI with
Ms. A.Pradhan, Adv. for R 5.
Mr. R.Debnath, Adv. with
Ms. B.Malngiang, Adv. for R 6.
Ms. C.B.Sawain, Adv. for R 7.

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| 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 petitioner who claims to be the absolute owner of a plot of land situated at Megonggre-II, West Garo Hills, with a patta No. 526 Dag No. 550 issued by the Garo Hills Autonomous District Council is before this Court with a complaint that his land has been acquired for the purpose of widening of National Highway - 51, without proper procedure and without payment of any compensation.

2. Mr. P.T.Sangma, learned counsel for the petitioner submitted that the petitioner has submitted a number of representations to the Collector on



different dates requesting the respondents to pay adequate compensation to the petitioner before widening the said National Highway, but as there has been no response, the writ petitioner is compelled to approach this Court by way of the instant writ application. It has further been submitted that certain other developments have arisen, inasmuch as, the structures of the writ petitioner have allegedly been removed by the respondents for the said widening. He therefore, prays that compensation be assessed and duly paid for the petitioner's land that has been taken over as also the structures that were situated in it.

3. Mr. S.Sen, learned GA appearing for the respondents No. 1-4 has submitted that for the widening of the said National Highway, due process in accordance with law had been undertaken and has drawn the attention of this Court to the Section 11(1) Notification issued on 27-06-2019. He further submits that in the said Notification itself, any person whose land is situated or to be affected was not to make any transaction or cause any transaction or to create any encumbrances. He further submits that for the structures that have been demolished, compensation has been assessed and the petitioner has been offered the same, but however, the same has been refused. He further submits that the petitioner has also been instructed to refrain from making any further construction in the land which has already been earmarked for the widening of the said National Highway.



4. Mr. R.Debnath, learned counsel appearing for the NHIDCL respondent No. 6 who is in/charge of the construction has submitted that after the Notification had been issued and the land had been delineated, the petitioner had continued making constructions and in this regard, has drawn the attention of this Court to photographs which has been annexed at Annexure-A to the affidavit of respondent No. 6 to substantiate his submissions. He therefore submits that as compensation has already been assessed, the petitioner is at liberty to receive the same so that the matter may be closed.

5. Ms. C.B.Sawain, learned counsel appearing for the respondent No. 7 submits that the said respondent has no role except that they had only conducted the social project assessment at the time of the institution of the project.

6. Dr. N.Mozika, learned DSGI assisted by Ms. A.Pradhan, learned counsel for the respondent No. 5 also adopted the submissions made by Mr. R.Debnath, learned counsel for the respondent No. 6.

7. Upon hearing the learned counsel for the parties, it is noted that the only grievance of the petitioner is with regard to the non-payment of compensation for the land that has allegedly been taken possession of and the structures that have been demolished, for which, only a meager compensation has been offered. In this view of the matter, as it is seen



from the affidavits and the materials placed on record that due process had been adopted for the proposed acquisition for widening of the said National Highway – 51, the writ petitioner in this regard has adequate alternate remedy to resort to in the event he is not satisfied with the amount of compensation that has been offered.

8. At this juncture, Mr. P.T.Sangma, learned counsel for the petitioner has interjected and submits that the petitioner will accept the compensation under protest while reserving his rights without prejudice to agitate further claims before any other alternate forum.

9. In view of the submissions and circumstances thereof, this writ petition stands disposed of directing the petitioner to accept the compensation and he be at liberty to avail alternate remedy for further relief, if so advised.

10. Writ petition accordingly stands disposed of.

Judge