

GAHC040004982024



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

Case No. : IA(C)/61/2024

The Chief Engineer
Highway Zone, PWD, Govt of Arunachal Pradesh, Itanagar

VERSUS

Bengia Ridek
Son of Late Bengia Kaniang, permanent resident of Sangram village, PO and PS
Sangram, Kurung Kumey District, Arunachal Pradesh

Advocate for the Petitioner : Rintu Saikia

Advocate for the Respondent : Pritam Taffo

Linked Case : IA(C)/62/2024

The Chief Engineer Highway Zone
Age: 0
Occupation :
Address:PWD
Govt of Arunachal Pradesh
Itanagar

VERSUS

Debia Polla
Age: 0
Occupation :
Address:Son of Tada Debia Neekom
permanent resident of Pistana Village Tapi
PO Pistana

PS Yazali
Lower Subansiri District
Arunachal Pradesh

Advocate for : Rintu Saikia
Advocate for : Pritam Taffo appearing for Debia Polla: Advocate appearing for
respectively.

**BEFORE
HONBLE MR. JUSTICE KARDAK ETE**

ORDER

Date : 17.05.2024

Heard Mr. R. Saikia, learned Standing Counsel for the PWD (Highway) representing the applicant. Also heard Mr. P. Taffo, learned counsel for the opposite party/writ petitioners.

By filing these applications, the applicants have prayed for vacation/Modification/alteration of the order of this Court dated 23.08.2021 passed in WP(C)/263(AP)/2021 & WP(C)/264(AP)/2021.

The claim of the petitioners in the writ petitions is to the effect that the compensation amount having been settled by the respondent authorities in favour of the petitioners, the same has not been paid to them. The land on which the petitioners' assets falls has been handed over to the Highway authorities for construction of the 4-Lane Highway from Itanagar to Banderdewa, particularly, under the Chainage No. 53400-53450 & the Chainage No. 58840-58880.

This Court, after having considered that no compensation has been paid to the petitioners by the authorities despite the compensation assessment having been finalized for the assets of the petitioners falling under the Chainage No. 53400-53450 & the Chainage No. 58840-58880 in the compensation assessment report NH-415 from Itanagar to Banderdewa for construction of National Highway, it has been provided that no construction shall be undertaken by the respondent authorities in the Chainage No. 53400-53450 & the Chainage No. 58840-58880 of the compensation assessment report of NH-415 from Itanagar to Banderdewa for construction of 4-Lane National Highway.

Mr. R. Saikia, learned Standing Counsel for the PWD (Highway) representing the applicants submits that the authority has started the construction on the land which has been handed over by the Deputy Commissioner, Capital Complex, Itanagar vide dated 27.07.2021. Since, the construction of the work has already been started on being handed over by the concerned authorities, the stoppage of the construction of such an important public road would be against the public interest. And therefore, he prays for vacation/Modification/alteration of the interim order.

Mr. P. Taffo, learned counsel for the opposite party/writ petitioners submits that since the assets of the petitioners falls within the land under the Chainage No. 53400-53450 & the Chainage No. 58840-58880 and not making the payment of the compensation as assessed has deprived the petitioners. He further submits that if authorities are allowed to start construction, the

structures of the property of the petitioners, shall be wiped out and no evidence will be remained for proper assessment for compensation.

Due consideration has been extended to the submissions made by the learned counsel for the parties.

It is noticed that the claim of the petitioner is for payment of compensation which has been assessed as per the assessment report of NH-415 from Itanagar to Banderdewa for construction of 4 Lane National Highway. Such grievances, in my considered view would be considered in the main writ petitions on the appropriate date. The construction of 4-Lane National Highway-415 is in the interest of public. It is needless to observed that the private interest, is any, must yield to the public interest.

In view of above and considering the public interest, I am of the considered view that the authorities should be allowed to undertake the construction of 4-Lane National Highway from Itanagar to Banderdewa.

Accordingly, the interim order dated 23.08.2021 is hereby vacated by providing that the authorities shall undertake the construction of 4 Lane National Highway from Itanagar to Banderdewa.

It is made clear that the grievance of the petitioners raised in the writ petitions hereinabove shall be considered on its own merit.

The Interlocutory Applications stands allowed and disposed of.

JUDGE

Comparing Assistant