

GAHC010005992023



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

Case No. : WP(C)/225/2023

PRAKASH DUTTA AND 6 ORS.
S/O- LATE PREMADHAR DUTTA, R/O- VILL- BARPAK, P.O- MACHKHOWA,
DIST- DHEMAJI, ASSAM, PIN- 787058

2: PRABITRA DUTTA
S/O- LATE PREMADHAR DUTTA
R/O- VILL- BARPAK
P.O- MACHKHOWA
DIST- DHEMAJI
ASSAM
PIN- 787058

3: KUSHAL SARMA
S/O- LATE JIBAN SARMA
R/O- VILL- BAARPAK
P.O- MACHKHOWA
DIST- DHEMAJI
ASSAM
PIN- 787058

4: BAPU RAM PANGING
S/O- LATE GADADHAR PANGING
R/O- VILL- BARPAK
P.O- MACHKHOWA
DIST- DHEMAJI
ASSAM
PIN- 787058

5: GOVERNA PANGING
S/O- LATE ANANTARAM PANGING
R/O- VILL- BARPAK
P.O- MACHKHOWA
DIST- DHEMAJI
ASSAM

PIN- 787058

6: PRAFULLA PANGING
S/O- LATE ANANTARAM PANGING
R/O- VILL- BARPAK
P.O- MACHKHOWA
DIST- DHEMAJI
ASSAM
PIN- 787058

7: PABITRA PANGING
S/O- LATE ANANTARAM PANGING
R/O- VILL- BARPAK
P.O- MACHKHOWA
DIST- DHEMAJI
ASSAM
PIN- 78705

VERSUS

STATE OF ASSAM AND 5 ORS.
REP. BY ITS SECRETARY TO THE GOVT OF ASSAM, PWD DEPTT, ASSAM
SACHIVALAYA, DISPUR, GUWAHATI- 781006

2:SECRETARY TO THE GOVT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT
ASSAM
DISPUR
GUWAHATI- 781006

3:DEPUTY COMMISSIONER
DHEMAJI
DIST AND P.O- DHEMAJI
PIN- 787057

4:CIRCLE OFFICER
DHEMAJI REVENUE CIRCLE
DIST AND P.O- DHEMAJI
PIN- 787057

5:CHIEF ENGINEER PWD (ROADS)
ASSAM
CHANDMARI
GHY- 78100

Advocate for the Petitioner : MR. B K DAS

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

22.05.2024

Heard Mr. H.P. Neog, learned counsel for the petitioners. Also heard Mr. B. Gogoi, learned Standing Counsel, PWD for the respondent Nos. 1, 5 & 6 and Mr. J. Handique, learned Government Advocate appearing for the State respondent Nos. 3 & 4. Ms. N. Bordoloi, learned Standing Counsel, Revenue appears for the respondent No.2.

2. By filing this writ petition under Article 226 of the Constitution of India, the writ petitioners are seeking, *inter alia*, a direction for giving compensation to the petitioners for damaging their land after conducting a joint verification for the land.

3. The case of the petitioners is that the respondents have acquired the land of the petitioners without following the due process of law. Accordingly, the instant writ petition has been filed seeking compensation thereof.

4. Notice of this Court has been drawn to the affidavit-in-opposition filed on behalf of the respondent No.3, i.e., the Deputy Commissioner, Dhemaji, Assam. Paragraph Nos.9 & 10 of the said affidavit-in-opposition is reproduced hereinbelow for ready reference-

“That with regard to the statements made in paragraph no.9 of the writ petition the answering deponent respectfully states that no land beyond the right-of-way is acquired by the respondent, as such no question of land compensations arise. However, the implementing agency i.e. the Construction company, namely Shivam Company, while broadening both side of the road,

may have felled down a few bamboos and other standing trees, just adjacent to the right-of-way. But no land is acquired as it is alleged.

10. That with regard to the statements made in paragraph no.10 of the writ petition the answering deponent respectfully states that as per official record the office of the respondent has acquired government land up to 40 feet only towards either side of the existing road from the middle of the road, which lies under the PWD right-of-way, no land beyond this point is acquired. Therefore, question of implementing the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 does not arise. The fact is that already a road is existing there connecting Dhakuakhana to Dhemaji, the existing road has been widened to 40 feet from middle of the road on the either side."

5. Reading of the aforesaid averments manifestly indicates that no land of the petitioners has been acquired.
6. That being so, this writ petition fails.
7. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant