

GAHC010008782012



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

Case No. : WP(C)/4712/2012

M/S TRIPTI OIL INDUSTRIES PVT. LTD
ANANDNAGAR, GANESHGURI, GHY- 5, REP. BY ITS MANAGING
DIRECTOR SRI KESHAB MAHANTA, S/O- LT. BHABAKANTA MAHANTA,
R/O- KOINADHARA, KHANAPARA, GHY- 22, P.S.- DISPUR, DIST.- KAMRUP,
ASSAM.

VERSUS

THE UNION OF INDIA and ORS
REP. BY THE SECY. TO THE GOVT. OF INDIA, ROAD TRANSPORT AND
HIGHWAYS, GOVT. OF INDIA, NEW DELHI- 110001.

2:THE STATE OF ASSAM
REP. BY THE PRINCIPAL SECY. TO THE GOVT. OF ASSAM
REVENUE and DM LR DEPTT.
ASSAM SACHIVALAYA
DISPUR
GHY- 6.

3:THE SECY. TO THE GOVT. OF ASSAM
PUBLIC WORKS DEPTT.
ASSAM SACHIVALAYA
DISPUR
GHY- 6.

4:THE DY. COMMISSIONER
KAMRUP R
AMINGAON.

5:THE EXTRA ASSTT. COMMISSIONER and LAND ACQUISITION OFFICER
CUM- COMPETENT AUTHORITY
OFFICE OF THE DY. COMMISSIONER

KAMRUP
PANBAZAR
GUWAHATI
DIST.- KAMRUP M
ASSAM.

6:THE CHIEF ENGINEER
PWD ROAD
NATIONAL HIGH WAY WIGH
CHANDMARI
GHY- 3

Advocate for the Petitioner : MR.A K BARMAN

Advocate for the Respondent : ASSTT.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

13.02.2024

The record reveals that vide an order dated 24.01.2024, this Court had directed the Special Secretary to the Government of Assam, Revenue and Disaster Management Department as well as the District Commissioner, Kamrup at Amingaon to file an affidavit as to when the said amount would be paid and as to what steps had been taken by the said authority against the concerned officials as regards the delay in paying the compensation to the petitioner.

2. On the basis of the said directions, two affidavits have been filed. One affidavit is filed by the District Commissioner, Kamrup, Amingaon stating *inter alia* that the amount to which the petitioner is entitled to for 2 kathas of land have been duly calculated along with interest and the said amount upon being determined is Rs.1,43,688/-. During the course of the hearing, the details of

calculations have also been placed which is separately kept on record and marked with the letter 'Y'.

3. The record further reveals that the Deputy Secretary to the Government of Assam, Revenue & Disaster Management Department has also filed an affidavit, in pursuance to the order passed by this Court on 24.01.2024, wherein it has been mentioned that on 03.02.2024, a letter was issued to the District Commissioner, Kamrup to take immediate action for payment of the awarded principal amount of the compensation as well as to take up the proposal for payment of interest on the awarded amount in the related L.A. Case due to the delay in payment of the award as per the provisions of law. It has also been mentioned that the said deponent vide another communication dated 09.02.2014 directed the Deputy Commissioner Kamrup, Amingaon to submit a report to ascertain the responsibility for the delay in payment of compensation to the petitioner. However, the said report is yet to be furnished.

4. This Court during the course of the hearing also enquired from the learned Additional Senior Government Advocate representing the State respondents as to when the amount of Rs.1,43,688/- would be paid to the petitioner taking into account that the same has been duly ascertained and the calculation which have been done also shows that the interest has been calculated as on 12.02.2024.

5. The learned Additional Senior Government Advocate appearing for the District Administration submitted that within 10(ten) days from the date, the petitioner furnishes his bank account details, the same would be disbursed to the petitioner.

6. Taking into account the above, this Court, therefore, disposes of the instant

writ petition thereby granting the liberty to the petitioner to submit the bank account details to the District Commissioner, Kamrup at Amingaon forthwith.

7. Upon submission of the said bank details, the District Commissioner, Kamrup is directed to disburse the said amount to the petitioner after carrying out due verification within 10(ten) days from the date of submission of the said bank details.

8. This Court, further, finds it relevant to take note of that an amount of Rs.1,15,288/- has to be paid as interest on account of the delay caused by the concerned respondent authorities in making payment which has to be defrayed from the public exchequer on account of the negligence on the part of the erring officials. This Court, therefore, directs the Principal Secretary to the Government of Assam, Revenue & Disaster Management Department as well as the District Commissioner Kamrup at Amingaon to make an enquiry into that aspect and if on enquiry, it is found that on account of any negligence on the part of some officials, the interest amount of Rs.1,15,288/- has to be defrayed from the public exchequer, the same be recovered from the dues of such erring officials.

9. This Court also finds it relevant to observe that the award of the amount of Rs.1,43,688/- was passed on 12.02.2024. Under such circumstances, if the petitioner is aggrieved with the inadequacy of the compensation, the petitioner would be at liberty to approach the authority seeking a reference on the question of inadequacy of the compensation. The same be done within the period prescribed under law taking into account that the date of award is 12.02.2024.

10. Writ petition stands disposed of in the above terms.

JUDGE

Comparing Assistant