

GAHC010061912023



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

Case No. : WP(C)/1675/2023

DIPSIKHA MAZDUR PRIMARY SCHOOL AND ANR
REPRESENTED BY ITS HEADMASTER SRI PRADIP SAIKIA.

2: PRADIP SAIKIA
S/O- SRI NRIPEN SAIKIA
VILL- 3 NO. HONHONGIA
KHOWANG
P.O. MORAN
DIBRUGARH
ASSAM
PIN- 785675

VERSUS

UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF ROAD TRANSPORT AND HIGHWAY.

2:THE STATE OF ASSAM
REPRESENTED COMMISSIONER AND SECRETARY TO REVENUE
DEPARTMENT
DISPUR
GUWAHATI-6.

3:ADDITIONAL CHIEF SECRETARY AND COMMISSIONER TO THE GOVT.
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-6.

4:THE GENERAL MANAGER (P)

NATIONAL HIGHWAYS INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.

(NHIDCL)
4TH FLOOR
BRANCH OFFICE- JORHAT
HOTEL JIRONI
BYE PASS WEST
NH-37
JORHAT
PIN- 785006
ASSAM

5:ADDITIONAL DEPUTY COMMISSIONER (R)/ COMPETENT AUTHORITY
LAND ACQUISITION
DIBRUGARH
ASSAM

6:THE CIRCLE OFFICER

MORAN REVENUE CIRCLE
DIBRUGAR

Advocate for the petitioner(s) : Mr. S.J. Sarmah

Advocate for the respondent(s): Ms. S. Baruah

Mr. D. J. Das

Mr. A. Bhattacharjee

Mr. R. K. Talukdar

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 31.07.2024

Heard Mr. S. J. Sarmah, the learned counsel appearing on behalf of the petitioners. Mr. D. J. Das, the learned counsel appearing on behalf of the respondent No. 1; Mr. A Bhattacharjee, the learned counsel appearing on behalf of the respondent Nos. 2 & 3; Mr. R. K. Talukdar, the learned counsel appearing on behalf of the respondent No.4 and Ms. S. Baruah, the learned counsel appearing on behalf of the respondent Nos. 5 & 6.

2. The petitioner herein is a school provincialised school of the Government of Assam. The Land Advisory Committee had recommended for allotment of 2

Bighas of land covering Dag No. 118 in favour of the petitioner. Subsequently on account of development of four lane of NH-37, acquisition proceedings were initiated and the land of the petitioners were taken away. In that regard, the petitioners were only paid the Zirat compensation of an amount of Rs. 10,33,766/-. However the petitioners were not paid any compensation for the land. It is under such circumstances, the petitioner has approached this Court by filing the instant writ petition.

3. From a perusal of the documents on record so filed by the petitioner there is nothing discernible to show that any land has been settled with the petitioner. On the other hand the affidavit which has been filed by the respondent authorities, more particularly the respondent No. 5 categorically shows that the land in question was a Government land. Under such circumstances, the question of the petitioners getting any compensation from the respondent authorities that too being a provincialised school of the Government of Assam, does not arise.

4. Accordingly, the instant writ petition being devoid of any merit stands dismissed. Be that as it may, this Court however observes if the petitioners are aggrieved with the compensation so paid as regards the Zirat, the petitioners would always be at liberty to approach the Competent Authority in terms with Section 3(G) of the National Highways Act, 1956.

JUDGE

Comparing Assistant