

GAHC010067952021



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

Case No. : WA/270/2021

THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
AND ANR.
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-781006

2: THE DEPUTY COMMISSIONER
KAMRUP(METRO) DISTRICT
GUWAHATI-781001
ASSA

VERSUS

JAGADISH CHANDRA SARMA AND 5 ORS.
S/O LATE PADMESWAR SARMA, R/O QUARTER NO. VI/5-E, ASSAM
ENGINEERING COLLEGE CAMPUS, P.O.-JALUKBARI, GUWAHATI, DIST-
KAMRUP(M), ASSAM, PIN-781013

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
SCIENCE AND TECHNOLOGY DEPARTMENT
DISPUR
GUWAHATI-781006

3:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
ENVIRONMENT AND FOREST DEPARTMENT
DISPUR
GUWAHATI-781006

4:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
SPORTS AND YOUTH WELFARE DEPARTMENT
DISPUR

GUWAHATI-781006

5:THE SECRETARY
NATIONAL GAMES SECRETARIAT
NEW DELHI-110001

6:THE DIRECTOR
ASSAM SCIENCE
TECHNOLOGY AND ENVIRONMENT COUNCIL
G.S. ROAD
GUWAHATI-78100

For petitioner(s)/appellant(s) : Mr. R. Borpujari, SC, Revenue

For respondent(s) : Mr. R.K.D. Choudhury, Dy. SGI
Mr. K. U. Ahmed, Advocate

– BEFORE –

HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR

06.11.2024

(Vijay Bishnoi, CJ)

This writ appeal is preferred on behalf of the appellants being aggrieved with the order dated 20.01.2021, passed by the learned Single Judge in WP(C) No. 4309/2017.

The learned Single Judge has disposed of the writ petition taking into consideration the fact that the writ petitioner's (respondent No. 1 herein) land was encroached by the State agencies in implementation of the project "Conservation and Management of Deepor Beel Wetland in Assam". The learned Single Judge has concluded that since the land of the writ petitioner was taken over by the State agencies, the writ petitioner is entitled for payment of damages caused to his property or, in alternative, the writ petitioner can be compensated by providing a separate plot of land as per the settlement rules.

The appellants have challenged the impugned order on various grounds. However, during pendency of the writ appeal, as per the directions passed by this Court, the appellants offered an alternate plot of land to the respondent No. 1. However, the respondent No. 1 did not agree to accept the alternate piece plot of land while claiming that the same is not suitable. Efforts have been made on the part of the State to offer other alternate plots of land to the respondent No. 1 but the respondent No. 1 was not agreeable to accept the same on the ground that such alternate plots of land were also not suitable for him.

In view of the above facts and circumstances of the case, this Court, vide order dated 19.09.2024, directed the appellant No. 2, i.e. Deputy Commissioner, Kamrup (Metro), to assess the damages caused to the property of the respondent No. 1 and to submit the same before this Court by filing additional affidavit. Pursuant to that, an additional affidavit has been filed on behalf of the appellant No. 2, wherein it is stated that the damages caused to the property of the respondent No. 1 has been assessed and as per the said assessment, the respondent No. 1 is entitled to a compensation of Rs. 24 Lakhs. In response to the said additional affidavit filed by the appellant No. 2, the respondent No. 1 has filed a counter affidavit and has claimed that he is also entitled to interest on the compensation amount as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

Confronted with the situation that the land belonging to the respondent No. 1 was not acquired by the State, learned counsel for the respondent No. 1 has submitted that the respondent No. 1 would be satisfied if the compensation amount to the tune of Rs. 24 Lakhs is paid to him.

In the above facts and circumstances of the case, we deem it appropriate

to dispose of the writ appeal with the direction to the appellants to make payment of the compensation amount of Rs. 24 Lakhs to the respondent No. 1, within a period of two months from today.

Ordered accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant