

GAHC010069442019



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

Case No. : WP(C)/2180/2019

MANTURAM DAIMARY AND 9 ORS.
S/O LT. NARAYAN DAIMARY, VILL. NO. 2 JAMUGURI, P.O.- MILANPUR, P.S.-
GOHPUR, DIST.-BISWANATH, PIN-784168

2: SOMBER DAIMARY
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR
P.S.-GOHPUR
DIST.-BISWANATH
PIN-784168

3: KHARGA BAHADUR CHERTY
S/O KUL BAHADUR CHETRY
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR
P.S.-GOHPUR
DIST.-BISWANATH
PIN-784168

4: MAHENDRA NARZARY
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR
P.S.-GOHPUR
DIST.-BISWANATH
PIN-784168

5: NOHAN BORO
S/O NARESWAR BORO
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR
P.S.-GOHPUR
DIST.-BISWANATH
PIN-784168

6: NANI NARZARY
W/O LT. DHOLEN NARZARY
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR

P.S.-GOHPUR
DIST.-BISWANATH
PIN-784168

7: TUNLE SWARGIARY
W/O THANGSWAR SWARGIARY
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR
P.S.-GOHPUR
DIST.-BISWANATH
PIN-784168

8: ROMBHA NARZARY
W/O- BHANIN NRZARY
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR
P.S.-GOHPUR
DIST.-BISWANATH
PIN-784168

9: MANOMAYA DEVI
W/O LT. JADAY CHETRI
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR
P.S.-GOHPUR
DIST.-BISWANATH
PIN-784168

10: KORTENG BASUMATARY
S/O RAJAN BSUMATARY
VILL. NO. 2 JAMUGURI
P.O.- MILANPUR
P.S.-GOHPUR
DIST.-BISWANATH
PIN-78416

VERSUS

THE UNION OF INDIA AND 7 ORS.
REP. BY THE SECRETARY MINISTRY OF SURFACE COMMUNICATIN, NEW
DELHI-01

2:NATIONAL HIGHWAY INFRASTRUCTURE AND DEVELOPMENT
CORPORATION LTD.
SANKET VIHAR
SARUMATORIA SWARAJ NAGAR GHY-5

3:THE STATE OF ASSAM
THROUGH THE SECY. TO THE GOVT OF ASSAM PWD(ROADS) DISPUR
GUWAHATI-6

4:THE CHIEF EXECUTIVE ENGINEER PWD (ROADS) ASSAM
ASSAM

5:THE EXECUTIVE ENGINEER PWD (ROADS)
BISWANATH

6:THE FOREST BEAT OFFICER
GOHPUR BEAT
BISWANATH

7:THE DEPUTY COMMISSIONER
BISWANATH/SONITPUR

8:THE CRICLE OFFICER
GOHPUR REVENUE CIRCLE
GOHPUR

Advocate for the Petitioner : MR. B K DAS

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

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

Date : 08.05.2024

None represents the petitioners, when the matter is called.

Heard Ms. U. Das, learned Additional Senior Government Advocate appears for respondent No.7 and Mr. R. K. Talukdar, learned counsel for the respondent No.2.

By filing the present writ petition, the petitioners are seeking direction, inter alia, to release adequate compensation to the petitioners for Construction of National Highway over their land and for direction to the Deputy Commissioner through respondent No.7 to make proper assessment of the land contemplating to be acquired by the respondents by making a detailed enquiry and by providing opportunity of hearing to the petitioners.

The respondent No.7 has filed an affidavit- in- opposition on 07.01.2022.

A perusal of the aforesaid affidavit in opposition indicates that the land of the petitioners falls under Gohpur Reserve Forest area, which was acquired for construction of 4-Laning National Highway from Gohpur to Holongi. The said construction of 4-Laning NH project is started after the disbursement of compensation amounts to the affected interested persons in their respective bank accounts as per assessment report prepared jointly by the Circle Officer, Gohpur Revenue Circle, NHIDCL Authority, Forest Department, PWD, Building Department.

It further appears that in pursuant to the joint assessment made, estimated cost was submitted the the NHIDCL for sanction.

As per the estimate, it appears that the fund is sanctioned by the NHIDCL.

It further appears that in pursuant to the aforesaid sanction, the compensation amount was transferred to the competent authority, who thereafter forwarded the same to the respective bank accounts of the interested persons who were affected for the subject acquisition project.

It further appears that the estimate of compensation covers all the damages like tree, betel nut, bamboo, standing crops, valuable trees and structures also.

It also appears that after the assessment of the compensation amount, the respondent authorities have collected the necessary bank details from the petitioners in prescribe format and all the petitioners have submitted the requisite information showing their no objection to take over their land.

It further appears that as per the estimate of compensation all the affected persons were compensated through NEFT.

The details of the compensation made to the petitioners in their respective bank accounts are here under:

Sl. No	Name of petitioner	Amount of Compensation	Remarks
1	Manturam Daimari	Rs. 65720/-	
2	Somber Daimary	Rs. 121866/- Rs. 32860/- Rs. 2,52,939/-	
3	Kharga Br. Chetry	Rs. 79713/- Rs. 82,000/-	
4	Mahendra Narzary	Nil	As per assessment report the said petitioner was not recorded in the list because his land did not fall under the RoW of the proposed construction project.
5	Mohan Boro	Rs. 45000/- Rs. 44096/-	
6	Nani Narzary	Rs. 119341/- Rs. 26400/-	
7	Tunle Swargiary	Rs. 33178/-	The said compensation amount was received by the Thaneswar Swargiary, who is spouse of Tunle Swargiary.
8	Rombha Narzary	Rs. 91160/- Rs. 2,29,760/-	The said compensation amount was received by the Bhanin Narzary, who is spouse of Rombha Narzary.
9	Manomaya Devi	Rs. 78228/- Rs. 301300/-	
10	Korteng Basumatary	Rs. 59320/- Rs. 21624/-	The said compensation amount was received by the Budhbari Basumatary, who is spouse of Korteng Basumatary alias Boteng Basumatary.

In view of the aforesaid it appears that the petitioners have been duly compensated after proper assessment made against the subject acquisition.

Be that as it may, since there was no representation on behalf of the petitioners today when the matter is called. This court is of the considered view that this writ petition can be disposed of for non-prosecution.

JUDGE

Comparing Assistant