

GAHC010070322024



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

Case No. : WP(C)/1974/2024

ASIRUDDIN AHMED
S/O- ASIRUDDIN AHMED,
R/O- VILL- BOGACHALA,
P.O.- TENGARA,
P.S.- SIPAJHAR,
DIST.- DARRANG, ASSAM,
PIN NO. 781126.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM,
(DMLR) DISASTER MANAGEMENT AND LAND REVENUE DEPARTMENT,
DISPUR, GHY-6, K(M), ASSAM.

2:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
DMLR DEPARTMENT
DISPUR
GHY-06
K(M)
ASSAM.

3:THE DEPUTY COMMISSIONER
DARRANG
MANGALDOI
ASSAM
PIN- 784125.

4:THE UNDER SECRETARY TO THE GOVT. OF ASSAM
WATER RESOURCE DEPT.

CHANDMARI
GHY-03
K(M)
ASSAM.

5:THE CHIEF ENGINEER
WATER RESOURCE DEPARTMENT
CHANDMARI
GHY-03
K(M)
ASSAM.

6:THE EXECUTIVE ENGINEER
MANGALDOI WATER RESOURCES DIVISION
MANGALDOI
DARRANG
ASSAM

PIN- 784125.

7:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM
FINANCE DEPARTMENT
DISPUR
GUWAHATI-06
KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. R C DAS

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

08.04.2024

Heard Shri R.C. Das, learned counsel for the petitioner.

Also heard Shri R.M. Das, learned Standing Counsel, Water Resource Department and Ms. N. Bordoloi, learned Standing Counsel, Revenue Department for respondent nos. 1 & 2. Shri J. Handique, learned State Counsel

for the State respondents and Shri R. Borpujari, learned Standing Counsel, Finance Department are also present.

As per the facts projected, certain land of the petitioner was acquired in the year 2001 which is in the district of Darrang. In connection with the compensation for such acquisition, the petitioner had earlier approached this Court by filing WP(C)/4942/2021 for a direction for payment of interest and solatium. It is on record that the principal amount of Rs.86,13,601/- was received by the petitioner and accordingly vide an order dated 18.12.2023, the writ petition was disposed of by giving liberty to the petitioner to approach the District Commissioner, Darrang to seek a reference for the interest part.

The petitioner claim to have submitted a representation in this regard on 08.03.2024 and a prayer has accordingly been made in this petition for making payment of interest which has also been quantified by the petitioner.

On the other hand, Shri R.M. Das, the learned Standing Counsel, Water Resource Department has submitted that the writ petition has been filed by suppression of materials facts known to the petitioner. It is submitted that against the order dated 18.12.2023 of the Learned Single Judge, Writ Appeal No. 13/2024 was preferred in which a communication was also annexed whereby an application was made directly to the Hon'ble Judge for re-calculation of the interest amount.

Though the aforesaid writ appeal has been stated to be withdrawn, against the same, a review application was also filed which was also withdrawn. This Court has noticed that these facts have not been revealed in the writ petition.

Apart from the aspect of suppression of materials facts, this Court has

noticed that the application to the Deputy Commissioner, Darrang has been stated to be filed only on 08.03.2024 and within a period of less than a month, this petition has been filed on 03.04.2024.

While on the one hand, the broader issue of pendency of cases in Courts is one of the major concern, frivolous litigation of the present nature is one of the factors which have led to such increase in pendency.

The final order of the Single Judge is dated 18.12.2023 by which, liberty was granted to the petitioner to make appropriate application.

The operative part of the order is extracted herein below:

“Taking into account the above, the petitioner would be at liberty to file appropriate application under Section 12 of the Act of 1964, before the District Commissioner, Darrang, seeking a reference to the Court for redressal of his grievance with regard to the inadequacy of the compensation with regard to the acquisition of his land. It is observed and directed that the in the circumstance the petitioner herein files an application under Section 12 of the Act of 1964 seeking a reference to the Court, the District Commissioner, Darrang, shall make the reference in accordance with Section 12 of the Act of 1964.

The writ petition stands disposed of in terms of the above”

The petitioner chose to prefer an appeal being WA/13/2024 annexing therein irrelevant and extraneous documents. Though the appeal has been said to be withdrawn, the petitioner has thereafter filed a review petition against the aforesaid order of withdrawal.

It is only after such withdrawal of the review petition, this writ petition before the Deputy Commissioner, Mangaldai, Darrang, was filed on 08.03.2024 and as indicated, within a period of less than a month, the instant writ petition has been filed.

Apart from the fact that the writ petition is held to be pre-mature, there appears that the approach of the petitioner to a Court of equity has been done with unclean hands and without any *bona fide* purpose.

The writ petition is accordingly dismissed with a cost of Rs. 10,000/- (Rupees Ten Thousand) only to be paid to the Gauhati High Court Bar Association Welfare Fund.

JUDGE

Comparing Assistant