

GAHC010070842024



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

Case No. : WP(C)/2063/2024

BIREN BORUAH
S/O LATE DEBESWAR BORUAH
R/O VILL- NO. 1 ADHAKHONA
P.O. LIKHOK CHAPORI, P.S. BIHPURIA
DIST. LAKHIMPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOV.T
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE DISTRICT COMMISSIONER-CUM- CHAIRMAN

DISTRICT LEVEL LAND PURCHASE COMMITTEE
LAKHIMPUR
P.O. AND P.S. NORTH LAKHIMPUR

DIST. LAKHIMPUR
ASSAM

3:THE ADDITIONAL DISTRICT COMMISSIONER (LAND ACQUISITION).
LAKHIMPUR
P.O. AND P.S. NORTH LAKHIMPUR
DIST. LAKHIMPUR
ASSAM

4:THE CIRCLE OFFICER

BIHPURIA REVENUE CIRCLE

P.O. AND P.S. BIHPURIA

DIST. LAKHIMPUR
ASSAM

5:THE JUNIOR ENGINEER

PUBLIC WORKS DEPARTMENT (BUILDING)
DIST.LAKHIMPUR
ASSAM

6:THE GAON PRADHAN

ADHAKHANA VILLAGE

R/O VILL- NO. 1 ADHAKHONA
P.O. LIKHOK CHAPORI

P.S. BIHPURIA
DIST. LAKHIMPUR
ASSA

Advocate for the Petitioner : MR. R PHUKAN

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 01-05-2024

Heard Mr. R. Phukan, learned counsel for the petitioner as well as Ms. PR Mahanta, learned standing counsel for the Revenue Department appearing for respondent no.1 and Ms. M. Barman, learned Govt. Advocate appearing for the respondent nos.2, 3 and 4.

2. Aggrieved by the quantum of compensation assessed in respect of land and house of the petitioner under Asom Mala project, the petitioner has submitted representations on the ground that while acquiring his land no

compensation was paid in respect of the shop which was situated therein. Hence, this writ petition has been filed under Article 226 of the Constitution of India.

3. The learned Govt. Advocate has produced a copy of instructions from the District Commissioner, Lakhimpur vide communication dated 30.04.2024 wherein it is projected that the assessment of the land and structures standing thereon has been assessed and verified in presence of the petitioner by the Junior Engineer, PWD (Building), Lakhimpur and that the value of the residence has been assessed at Rs.3,33,502/- and the valuation of the shop was made at Rs.5,52,591/- and the valuation of the building was assessed at Rs.15,38,679/-. Pursuant to such valuation the petitioner has entered into an agreement dated 30.03.2022, with the Executive Engineer, PWRD, Lakhimpur who is the requisitioning agency and has agreed to accept a total compensation of Rs.52,64,837.60.

4. The said instructions are made a part of the record.

5. In view of the agreement between the requisitioning authority and the petitioner as referred above, this writ petition would not be maintainable and therefore, this writ petition stands closed. However, liberty is granted to the petitioner to take such measures as he may be alternatively permitted in accordance with law.

6. This order shall not be a bar for the concerned respondent authorities

to release the agreed compensation amount to the petitioner.

JUDGE

Comparing Assistant