

GAHC010078672024



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

Case No. : WP(C)/2137/2024

PADMADHAR TEA COMPANY PVT. LTD AND ANR.
DIGBOI, ASSAM, PIN- 786171

2: MR. APURBA BORTHAKUR
MANAGING DIRECTOR
PADMADHAR TEA COMPANY PVT. LTD. DIGBOI
ASSAM
PIN- 78617

VERSUS

UNION OF INDIA AND 6 ORS.
REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD TRANSPORT
AND HIGHWAYS, GOVERNMENT OF INDIA

2:NATIONAL HIGHWAYS AUTHORITY OF INDIA (NHAI)
REPRESENTED BY ITS CHAIRPERSON
OFFICE SITUATED AT G-5 AND 6
DWARKA
DELHI
PIN- 110075

3:NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT
CORPORATION (NHIDCL)
REPRESENTED BY ITS MANAGING DIRECTOR
HEAD OFFICE SITUATED AT 3RD FLOOR
PTI BUILDING
4 PARLIAMENT STREET
NEW DELHI
INDIA
PIN- 110001

4:DIRECTOR
NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT

CORPORATION (NHIDCL)
FIELD OFFICE SITUATED AT 2ND FLOOR
CHIROTIA HAZARI LINK ROAD
PULIBOR
JORHAT
ASSAM
PIN- 785006

5:DISTRICT COMMISSIONER
TINSUKIA
OFFICE SITUATED AT BORGURI
TINSUKIA
ASSAM
786125

6:ADDITIONAL DISTRICT COMMISSIONER (LA) CUM COMPETENT
AUTHORITY FOR LAND ACQUISITION (CALA)
TINSUKIA
ASSAM
OFFICE SITUATED AT BORGURI
TINSUKIA
ASSAM
786125

7:THE CIRCLE OFFICER
MARGHERITA
DIST.- TINSUKIA
ASSAM
PIN- 78618

Advocate for the Petitioner : MR. A K DAS

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

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 22.04.2024

Heard Mr. A.K. Das, learned counsel for the petitioners. Also heard Mrs. R. Devi, learned CGC for the respondent no.1; Mr. R. Boro, learned standing counsel for the respondent no.2; Mr. R.K. Talukdar, learned standing

counsel for the respondent nos.3 and 4; and Mr. Mr. S. Baruah, learned Govt. Advocate for the State respondents.

2. Aggrieved by the compensation awarded for acquisition of land for national highways, the petitioners had filed a protest, which was not acted upon and accordingly, this writ petition has been filed under Article 226 of the Constitution of India.

3. The learned standing counsel for the respondent nos.3 and 4 has produced a copy of the Gazette of India, Extraordinary dated 21.02.2024, by which vide notification no. S.O. 805(E) dated 21.02.2024, the Special Secretary to the Govt. of Assam has been appointed as Arbitrator for the District of Tinsukia under Section 3G of the National Highways Act.

4. Although, it is not specified in the said Gazette Notification, the learned standing counsel for the respondent nos.3 and 4 has submitted that as per his instruction, the competent authority to act as Arbitrator is the Special Secretary to the Govt. of Assam, Revenue and Disaster Management Department.

5. Accordingly, this writ petition stands closed with liberty to the petitioners to move the said authority, if so advised.

6. A copy of the Gazette Notification is kept as a part of record.

JUDGE

Comparing Assistant