

GAHC010082602024



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

Case No. : WP(C)/2278/2024

REBATI BALA RAY AND 2 ORS
W/O LATE DIPUTI MOHAN RAY, VILL- TUKURA PT. III, P.S.-TUKURA, DIST-
GOALPARA, PIN-783126

2: SUBHASH CH. RAY
S/O LATE DIPUTI MOHAN RAY
VILL- TUKURA PT. III
P.S.-TUKURA
DIST-GOALPARA
PIN-783126

3: SAILENDRA RAY
S/O LATE DIPUTI MOHAN RAY
VILL- TUKURA PT. III
P.S.-TUKURA
DIST-GOALPARA
PIN-78312

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, DEPTT. OF
LAND REVENUE ETC., DISPUR, GUWAHATI-781006

2:THE DISTRICT COMMISSIONER
L.A. BRANCH
GOALPARA (CALA)
PIN-783101

3:THE ADDITIONAL DISTRICT COMMISSIONER
L.A. BRANCH
GOALPARA (CALA)
PIN-783101

4:THE CIRCLE OFFICER
MATIA
P.O.-MATIA
DIST- GOALPARA
PIN-783125

5:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
GOVT. OF INDIA
DEPTT. OF NHAI
DELHI-1

For the petitioner (s) : Mr. A. Roshid, Advocate

For the respondent (s) : Ms. M. Barman, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

09.09.2024

Mr. A. Roshid, the learned counsel appearing on behalf of the petitioners submits that in view of the instructions placed by the Government Advocate to the extent that Rs.21,07,984/- has already been released to the petitioner No.3; Rs.13,83,186/- has been released to the petitioner No.2 and Rs.3,15,822/- has not been released to the petitioner No.1 on account of non-furnishing of NOC by the daughter-in-law of the petitioner No.1, he would advice his clients to approach the Competent Authority by furnishing necessary documents. He therefore submits that the petitioners would not like to further press the instant writ petition. The learned counsel for the petitioners however submits that in the circumstance the petitioners are aggrieved as regards the apportionment of the amount, the withdrawal of the instant writ petition should not prejudice the petitioners to avail remedies under Section 3H (4) of the

National Highways Act, 1956.

2. Taking into account the above, the instant writ petition stands closed on withdrawal. However, the petitioners would be at liberty to submit the necessary documents before the Competent Authority. In addition to that, if the petitioners are aggrieved by the apportionment of the amount pertaining to the compensation, they would be well within their rights to approach before the appropriate Court in terms with Section 3H (4) of the National Highways Act, 1956.

JUDGE

Comparing Assistant