

GAHC010108882023



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

Case No. : WP(C)/2822/2023

JYOTI PRASAD KEOT
S/O- LATE BHOLA RAM KEOT,
R/O- VILLAGE GATANGA KADHOL,
P.O- BALI PUKHURI TINIALI,
P.S- TEZPUR, DIST- SONITPUR, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT
DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
CUM COLLECTOR
SONITPUR
ASSAM

3:THE CIRCLE OFFICER
SONITPUR
REVENUE CIRCLE

DIST- SONITPUR
ASSA

Advocate for the Petitioner : MR S BORTHAKUR

Advocate for the Respondent : SC, REVENUE

BEFORE

THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

13.03.2024

1. Heard Ms. P Bora, learned counsel for the petitioner. Also heard Mr. BJ Talukdar, learned Senior counsel assisted by Mr. BK Bhuyan, learned counsel for the respondent Nos. 2 and 3.
2. Aggrieved by a quantum of compensation assessed by the Collector for acquiring land of the petitioner under the provision of the Assam Land (Requisition and Acquisition) Act, 1964, (hereinafter referred to as Act, 1964) the petitioner had approached the Collector, Sonitpur, Tezpur with a prayer to make a reference under Section 12 of the said Act.
3. Record reveals that the petitioner has preferred an application before the Collector on 28.03.2023 claiming higher compensation, which was duly received in the office of the Collector.
4. Section 12(1) of the Act, 1964 casts a duty upon the Collector to refer any party aggrieved by an award made under the Act, 1964.
5. In the case in hand, if we look into the application filed by the petitioner on 28.03.2023, the same clearly shows that the petitioner is aggrieved by the award passed by the Collector in exercise of its power under the Act, 1964 for acquiring the land belonging to the petitioner.
6. That being the position, the Collector is under bounded duty to refer the matter to the jurisdictional reference court for determination of the dispute in terms of the Act, 1964.
7. In the aforesaid backdrop, Mr. BJ Talukdar, learned Senior counsel submits that as the Collector is duty bound to refer the matter to the reference court, the Collector will definitely do the same and he will also instruct his client to do the needful in this regard.
8. In view of the aforesaid determination and conclusion, it is directed that the Collector, Sonitpur, Tezpur shall treat the application dated 28.03.2023 filed by

the petitioner before it to be an objection to the award passed by the Deputy Collector in LA case No. 1/2022 and refer the matter to the jurisdictional reference court in terms of Section 12 of the Act, 1964. Such exercise shall be carried out within a period of 30 days from receipt of this order by the Collector to be furnished to him by the petitioner.

9. It is needless to say that the petitioner shall be at liberty to receive the awarded amount under objection and without prejudice to the right that may be decided in the reference court.
10. Accordingly, writ petition stands disposed of.

JUDGE

Comparing Assistant