

GAHC010111422018



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

Case No. : WP(C)/3482/2018

ABDUL KADIR
S/O LT. ATAR ALI
VILL- BHALUGURI, P.O. MODERTOLI
P.S. DOBOKA
DIST. HOJAI, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, POWER
DEPARTMENT,
DISPUR.

2:ASSAM STATE ELECTRICITY BOARD

REP. BY ITS CHAIRMAN

BIJULEE BHAWAN

PANBAZAR-01.

3:THE POWER GRID CORPORATION OF INDIA LTD.
(A GOVT. OF INDIA ENTERPRISE) REP. BY THE CHIEF MANAGER
POWER GRID CORPORATION OF INDIA LTD. MISSA SUB-STATION
KATHIATOLI (BHALUGURI)
DIST. HOJAI- 782435.

4:THE CHIEF MANAGER

POWER GRID CORPORATION OF INDIA LTD. MISSA SUB-STATION
KATHIATOLI (BHALUGURI)
DIST. HOJAI

ASSAM

PIN - 782435.

5:SENIOR ENGINEER

POWER GRID CORPORATION OF INDIA LTD. 220/400 KV
MISSA SUB-STATION
KATHIATOLI (BHALUGURI)
HOJAI
ASSAM
PIN - 782439

Advocate for the Petitioner : MD. M H CHOUDHURY

Advocate for the Respondent : SC, POWER GRID

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

10-01-2024

Heard Shri M. K. Choudhury, learned counsel for the petitioner. Also heard Shri A. M. Dutta, learned counsel for the respondent nos. 3, 4 & 5.

2. Though Shri K. Gogoi, learned State Counsel for the respondent no. 1 and Shri K. P. Pathak, learned counsel for the ASEB are present, they have clarified that the matter pertains to only the Power Grid Corporation of India which is represented by Shri Dutta, learned counsel.

3. The matter pertains to payment of compensation for drawing of a power line by which it has been alleged that the house of the petitioner has been affected.

4. It is the pleaded case that a 220 KV Line of Power Grid Corporation of India from Kothiatoli to Dimapur was constructed which passes through the land of the petitioner in the district of Hojai. It is submitted that due to the construction and stringing of the line, damage was suffered pertaining to the Assam type house and compensation for zirat.

5. Shri Choudhury, the learned counsel for the petitioner has submitted that while as per the petitioner, the loss was valued to be Rs.1,33,381/- (Rupees One Lakh Thirty Three Thousand Three Hundred Eighty One) only an amount of Rs.27,900/- (Rupees Twenty Seven Thousand Nine Hundred) has been paid and the balance has not been paid and therefore this writ petition has been filed.

6. *Per contra*, Shri Dutta, the learned counsel for the respondent nos. 3, 4 & 5 by referring to the affidavit-in-opposition filed on 26.02.2019 has submitted that the projection made by the petitioner is not correct. He submits that the valuation of loss suffered on account of the house in questions was assessed at Rs.27,900/- (Rupees Twenty Seven Thousand Nine Hundred) and this amount has already been paid. He has further submitted that the petitioner himself had acknowledged the assessment by putting his signature on the assessment sheet. The learned counsel however clarifies that so far as zirat is concerned, the amount assessed, was Rs.64,910/-(Rupees Sixty Four Thousand Nine Hundred Ten). The learned counsel however fairly submits that he is not aware as to whether the zirat amount has been paid or not.

7. The rival submissions made by the learned counsel have been considered.

8. The perusal of the writ petition would show that the present claim is only on account of the Assam type house and not the zirat. However, in the interest

of justice, this Court is of the opinion that since the compensation for zirat has also been assessed, the affected party is entitled to the amount assessed.

9. In that view of the matter, while this Court is of the opinion that no relief as prayed for by the petitioner can be granted in this petition as admittedly, the petitioner has acknowledged receipt of Rs.27,900/- as compensation for the house in question, it is provided that in case the zirat amount of Rs.64,910/- is not paid in the meantime, the same shall be paid to the petitioner expeditiously and within an outer limit of 2 (two) months from the date of receipt of certified copy of this order. It is however made clear that the aforesaid observation is to be carried out only after making a thorough verification as to whether the zirat amount was earlier paid or not.

10. Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant