

GAHC010112962023



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

Case No. : WP(C)/3022/2023

RADHIKA KEMPRAI
W/O- SRI ROMESH KEMPRAI, R/O- VILL.- COLLEGEDISA, P.O. AND P.S.
HARANGAJAO, PIN- 788818, DIST. DIMA HASAO, ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS.
REPRESENTED BY THE SECRETARY MINISTRY OF ROAD, TRANSPORT
AND HIGHWAYS, TRANSPORT BHWAN, PARLIAMENT STREET, NEW
DELHI-110001.

2:THE IN-CHARGE

NATIONAL HIGHWAY AUTHORITY OF INDIA
HAFLONG REGIONAL OFFICE
NH-54
DIST. DIMA HASAO
ASSAM

3:THE REVENUE OFFICER

LAND AND REVENUE DEPARTMENT
NORTH CACHAR HILLS AUTONOMOUS COUNCIL
HAFLONG
DIST. DIMA HASAO
ASSA

For the Petitioner(s) : None appears.

For the Respondent(s) : Mr. R. M. Das, Standing Counsel
: Ms. R. Borah, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 29.07.2024

None appears on behalf of the Petitioner on call.

2. I have heard Mr. R. M. Das, the learned Standing counsel appearing on behalf of the Dima Hasao Autonomous Council and Ms. R. Borah, the learned Standing counsel appearing on behalf of the Respondent Nos. 2 and 3.

3. The Petitioner herein has filed the instant writ petition being aggrieved by the action on the part of the Respondents in not making payment of compensation to the Petitioner in respect to the acquisition so carried out by the NHIDCL. The NHIDCL have filed an affidavit stating that an amount of Rs.6,80,631/- was deposited as compensation vide Cheque No.757847 payable to Shri Romesh Kemprai, the husband of the Petitioner.

4. It is also seen that the Respondent No.4 has filed an affidavit-in-opposition stating inter alia that the compensation in respect to the land covered by A.K. Patta No.68 Dag No.18 had already been paid to Shri Romesh Kemprai, the husband of the Petitioner.

5. The fact that the husband of the Petitioner have received the compensation in respect to the land in question is the stand which has been taken by the Respondent Authorities. The Petitioner herein could not show any independent right to claim or any part of the compensation. Be that as it may, the question as to whether the

Petitioner would have a right over that amount cannot be decided in the instant proceedings.

6. Accordingly, taking into account the stand which has been taken by the Respondent Authorities, this Court is of the opinion that this is not a fit case for exercising the jurisdiction under Article 226 of the Constitution of India.

7. Be that as it may, if the Petitioner is aggrieved regarding non-receipt of any part of the compensation, the Petitioner would always be at liberty to approach the appropriate Court in terms with Section 3H of the National Highways Act, 1956.

8. With above observations and directions, the instant petition stands disposed of.

JUDGE

Comparing Assistant