

GAHC010129302024



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

Case No. : WP(C)/3501/2024

BIKI GOGOI
S/O JITPAL GOGOI, R/O MAKUM JUNCTION GAON, P.O.-BARHAPAM, DIST-
TINSUKIA, ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI-781006

2:NATIONAL HIGHWAYS AUTHORITY OF INDIA
REPRESENTED BY ITS CHAIRMAN
SECTOR-10
DWARKA
NEW DELHI-110075

3:NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
UNDER THE MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVERNMENT OF INDIA
HEAD OFFICE AT 1ST AND 2ND FLOOR
TOWER A
WORLD TRADE CENTRE
NAUROJI NAGAR
NEW DELHI-110029

4:THE GENERAL MANAGER (PROJECT)
NHIDCL
PMU-DIBRUGARH
P.O.-BANIPUR
DIST- DIBRUGARH

ASSAM
PIN-786003

5:THE DISTRICT COMMISSIONER
TINSUKIA
P.O.-TINSUKIA
DIST- TINSUKIA
ASSAM
PIN-786125

6:THE ADDITIONAL DISTRICT COMMISSIONER
(LAND ACQUISITION AND REQUISITION BRANCH)
TINSUKIA
P.O.-TINSUKIA
DIST- TINSUKIA
ASSAM
PIN-786125

7:THE CIRCLE OFFICER
DOOMDOOMA REVENUE CIRCLE
P.O.-DOOMDOOMA
DIST- TINSUKIA
ASSAM
PIN-78615

Advocate for the petitioner(s): Mr. S Islam

Advocate for the respondent(s): Mr. A Bhattacharjee

Standing counsel, Revenue Department

Government of Assam

Mr. R Boro

Respondent No.2

Mr. RK Talukdar

For respondent Nos.3 and 4

Mr. N Goswami

For respondent Nos.5, 6 and 7

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

02.08.2024

Heard Mr. S Islam, the learned counsel appearing on behalf of the petitioner. Mr. A Bhattacharjee, the learned counsel appears on behalf of the respondent No.1, Mr. R Boro, the learned counsel appears on behalf of the respondent No.2, Mr. RK Talukdar, the learned counsel appears on behalf of respondent Nos.3 and 4 and Mr. N Goswami, the learned Government Advocate appears on behalf of the respondent Nos.5, 6 and 7.

2. The petitioner herein has filed the instant writ petition claiming compensation in respect to a land wherein he had set up a shop as well as his residence. The said land is covered by Dag No.283 of village Makum Junction Gaon under Doomdooma Revenue Circle.

3. Being aggrieved by the action on the part of the respondent authorities in not granting the compensation to the petitioner on account of the land being a Government land, the petitioner has approached this Court by filing the instant writ petition.

4. This Court has put a specific query upon the learned counsel appearing on behalf of the petitioner as to whether the petitioner has sought compensation in respect to the land or the house standing thereon. The learned counsel appearing on behalf of the petitioner submits that as per his representation as well as also the instant writ petition, the petitioner has sought for compensation for the land.

5. This Court taking into account that admittedly the land, in question, was a Government land and apparently nothing was shown that any right had been created, the petitioner would not be entitled to any compensation in respect of

the land, in question. However, if the petitioner has any house standing thereon and any loss is caused, in the opinion of this Court, the petitioner would come within the ambit of a 'person interested' to claim compensation in respect to the house standing thereon. The learned counsel appearing on behalf of the petitioner, therefore, submits that he may be given the liberty to submit appropriate representation before the competent authority i.e. the respondent No.6 in that regard.

6. This Court taking into account the above observations is of the opinion that the petitioner is required to be given an opportunity to submit a representation along with a certified copy of this order before the respondent No.6 and the respondent No.6 shall duly take into consideration such representation so submitted, if a claim is made in respect of the house standing over the land, in question.

7. With the above, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant