

GAHC010109982024



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

Case No. : Review.Pet./120/2024

THE DISTRICT COMMISSIONER AND 2 ORS.
BISWANATH
BISWANATH CHARIALI
DIST.- BISWANATH
ASSAM
784176.

2: THE ADDL. DISTRICT COMMISSIONER
BISWANATH
BISWANATH CHARIALI
DIST.- BISWANATH
ASSAM
784176.

3: THE CIRCLE OFFICER
GOHPUR REVENUE CIRCLE
GOHPUR
DIST.- BISWANATH
ASSAM
784176.
VERSUS

DIBYAJYOTI GOSWAMI AND ANR.
D/O LATE U.N. GOSWAMI

W/O RANJIT KR. MAHANTA

VILL.- TONGANA GAON
P.O. AND P.S.- GOHPUR
DIST.- BISWANATH
ASSAM
PIN- 784176.

2: THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM

REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GUWAHATI- 6.

For the Petitioner(s) : Mr. D. Nath, Sr. Government Advocate
: Mr. A. Gogoi, Advocate

For the Respondent(s) : Mr. D. Baruah, Advocate
: Mr. P. K. Bordoloi, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 04.11.2024

Heard Mr. D. Nath, the learned Senior Government Advocate appearing on behalf of the Review Petitioners and Mr. D. Baruah, the learned counsel appearing on behalf of the writ petitioners in the accompanying writ petition.

2. The present application has been filed seeking review of the order dated 11.09.2023 passed in WP(C) No.9534/2019. The learned Senior Government Advocate appearing on behalf of the Review Petitioners has submitted that an error apparent on the face of the record had crept in the said order dated 11.09.2023 taking into account that the land which was acquired was a land acquired under the provisions of the National Highways Act, 1956 and as such, without impleading the National Highways and Infrastructure Development Corporation Limited, the order so passed would not be in consonance with the provisions of law.

3. The learned Senior Government Advocate further submitted that for the purpose of an effective adjudication as well as giving due effect to an order to be passed, there is a requirement of the presence of the National Highway and

Infrastructure Development Corporation Limited as it is under its aegis that the land have been acquired.

4. This Court has also perused the communication dated 05.12.2023 issued by the National Highways and Infrastructure Development Corporation Limited wherein it is apparent that the Central Government had acquired the land for and on behalf of the said authority and the State Respondents more particularly CALA had only acted as the competent authority insofar as the determination of the compensation is concerned.

5. This Court has also taken note of Section 3H(1) of the National Highways Act, 1956 which shows that the payment of the amount has to be deposited only by the Central Government and therefore in absence of the Central Government, this Court could not have exercised its writ jurisdiction for which an error apparent on the face of the record had crept in passing the order dated 11.09.2023 in WP(C) No.9534/2019.

6. Accordingly, upon hearing the learned counsels appearing on behalf of the Review Petitioners as well as the writ petitioner, this Court therefore recalls the order dated 11.09.2023 passed in WP(C) No.9534/2019 and further restores the writ petition to its original file.

7. Accordingly, the instant review application stands allowed.

8. The Registry is directed to list the writ petition being WP(C) No.9534/2019 for admission on 13.11.2024.

JUDGE

Comparing Assistant