

GAHC010134142022



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

Case No. : WP(C)/4962/2022

PRADYUT BARUA AND ANR

S/O- LATE KUMAR PRAKRITISH CHANDRA BARUA,

R/O- MATIABAG PALACE, WARD NO-2,

P.O- GAURIPUR,

DIST- DHUBRI, ASSAM

2: SUBHASREE GOGOI

D/O- LATE PRANABESH CHANDRA BARUA

R/O- RAJBARI

WARD NO-1

GAURIPUR TOWN

P.O- GAURIPUR

DIST- DHUBRI

ASSA

VERSUS

THE STATE OF ASSAM AND ANR

REP. BY THE COMMISSIONER AND SECRETARY , TO THE GOVT. OF

ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,

GUWAHATI-781006

2: THE DEPUTY COMMISSIONER

DHUBRI

O/O THE DEPUTY COMMISSIONER

P.O- DHUBRI

PIN-783301

ASSA

Advocate for the Petitioner : MR. JYOTIRMOY ROY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 19.04.2024

Heard Mr. J. Roy, learned Senior Counsel assisted by Ms. B. Saha, learned

counsel for the petitioners. Also heard Mr. R. Borpujari, learned standing counsel, Revenue Department (respondent No.1) and Mr. H. Sarma, learned Addl. Senior Govt. Advocate for the respondent No.2.

2. The petitioners are aggrieved by the non-payment of settlement amount/compensation in re: of Gouripur Raj Estate along with 6(six) permanently settled estates and 13 Lekhraj estates; estate which was acquired by the Government of Assam under the Assam State Acquisition of Zamindari Act, 1951 in the year 1958-59.

3. The facts of the case is that in regard to the aforesaid acquisition, a draft statement for compensation settlement amount was prepared by the Compensation Officer, Dhubri in connection to the aforesaid property in the year 1966 and the same was objected by the receivers vide their objection dated 24.03.1966.

4. However, the said objection raised in the draft statement were rejected by the Compensation Officer on 25.03.1967.

5. Thereafter, an appeal was preferred against the aforesaid rejection before the District Judge, Dhubri i.e., Misc. Appeal No. 28 of 1967.

6. The learned District Court by judgment and order dated 13.03.1969 reversed the finding of the Compensation Officer and allowed the appeal of the receivers.

7. The State Government challenged the said judgment and order dated 13.03.1969 before this Court by way of an appeal and the same was rejected and dismissed by this Court vide Judgment and order dated 16.12.1976. Pertinent to mention that the State Government also approached the Hon'ble Supreme Court vide Judgment and order dated 23.01.1996 and the appeal was dismissed.

8. Despite of the Apex Court dismissing the appeal and confirming the order of this Court, whereby, petitioner was entitled to a compensation of Rs.19,68,059.92/-, the same was not given to the petitioner.

9. Subsequently, the State Government vide Notification dated 20.01.2014 ordered for Constitution of a verification committee of Zamindari cases pending for payment of compensation in the Office of Compensation Officer, Dhubri to review the pending compensation case and put up the same before the Deputy Commissioner for forwarding the said to the State Government.

10. Pertinent to mention that the case of the petitioner was also taken up for review and on being satisfied to the same was forwarded for recommendation vide letter dated 12.11.2014. However, the same was similarly rejected by the Joint Secretary to the Govt. of Assam vide letter dated 01.06.2015 stating that Government has decided not to allow re-opening of the compensation cases relating to 1960 unless there is proper justification. Aggrieved by the aforesaid order dated 01.06.2015, the present writ petition has been filed.

11. It is submitted at the bar that this writ petition can be disposed of with a direction to consider the representation of the petitioner dated 28.02.2022 which is pending before the respondent authorities.

12. Heard the submissions made at the bar and has also perused the materials available on record.

13. It appears that the petitioners' compensation case has been rejected merely on the ground that the same relates to 1960, by order dated 01.06.2015 issued by the Joint Secretary to the Govt. of Assam, Revenue(Reforms) & D.M. Department. A copy of the said order dated 01.06.2015 is reproduced hereunder for reference:

*“GOVERNMENT OF
REVENUE (REFORMS) & D.M. DEPARTMENT DISPUR, GUWAHATI-06*

NO: RRG. 76/2013/37

Dated Dispur the 1st June, 2015

*From : Shri S. K. Das, ACS
Joint Secretary to the Govt. of Assam Revenue (Reforms) & D.M. Department.*

To: The Deputy Commissioner, Dhubri.

Sub: Review of Zamindary Compensation Cases.

Ref : Your letter No.DRL. 4/79/158, dated 03/1/2015.

Sir,

With reference to the above, I am directed to inform you that Government has decided not to allow re-opening of the Compensation Cases, which relate to 1960 and which have been disposed many years ago unless there is proper

justification.

*Yours faithfully,
Joint Secretary to the Govt. of Assam, Revenue
(Reforms) & D.M. Department.”*

14. A perusal of the aforesaid order indicates that in the event, the petitioners justifies the entitlement of the compensation, the respondent authorities can re-open such cases.

15. It appears that there has been no delay on the account of the petitioner and infact there appears no explanation on the part of the respondent authorities as why the compensation case of the petitioner was not considered by the passing of the judgment and order dated 23.01.1996 of the Apex Court till 2014.

16. Thus, it appears that the petitioner has justified re-opening of the compensation case.

17. Pertinent to mention that the petitioner has also filed representation before the Commissioner & Secretary to the Govt. of Assam, Revenue, Disaster and Management Department vide letter dated 28.02.2022.

18. In view of the consensus between the learned counsel appearing for the petitioners and the respondents, this writ petition can be disposed of with a direction for considering the said representation.

19. Accordingly this Court in the ends of justice, disposes of the instant writ petition with a direction to the respondent, particularly, respondent No.1 (The Commissioner & Secretary to the Govt. of Assam, Revenue & Disaster Management Department) to consider the representation of the petitioner dated 28.02.2022 as per the stipulation of Disaster Management and Revenue (Reforms) Department order dated 20.01.2014 on its merits in accordance with law within a period of 2(two) months from the date of receipt of a certified copy of the order of this Court.

20. Needless to clarify that since the compensation has been denied to the petitioner since 16.09.1969, the respondent authorities would positively complete the exercise within the time frame provided by this Court.

21. Let a copy of the writ petition along with the certified copy of the order of this Court be submitted by the petitioner to the concerned respondent authorities.

22. With the above observations and directions, this writ petition is disposed of.

JUDGE

Comparing Assistant