

GAHC010143682024



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

Case No. : I.A.(Civil)/2215/2024

RISHI GUPTA
S/O LT. RAGHUBIR SINGH GUPTA, R/O A.C. DUTTA LANE, F.A. ROAD
KUMARPARA, P.S. BHARALUMUKH, DIST. KAMRUP M, ASSAM.

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE COMMISSIONER and SECRETAY , REVENUE AND DISASTER
MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
LAND REVENUE BRANCH
KAMRUP METRO
ASSAM.

3:THE CIRCLE OFFICER
AZARA REVENUE CIRCLE
AZARA
DIST. KAMRUP
ASSAM.

4:THE UNION OF INDIA
REP. BY THE SECRETARY
DEPARTMENT OF CIVIL AVIATION
NEW DELHI-1.

5:THE AIRPORT AUTHORITY OF INDIA
REP. BY THE REGIONAL EXECUTIVE DIRECTOR
LOKOPRIYA
GOPINATH BORDOLOI INTERNATIONAL AIRPORT
GUWAHATI-15

6:THE GENERAL MANAGER
THE AIRPORT AUTHORITY OF INDIA NE REGION
LOKOPRIYA GOPINATH BORDOLOI INTERNATIONAL AIRPORT
GUWAHATI-15.

7:ATIKUR RAHMAN
S/O LT. ADIDUR RAHMAN R/O S.S. ROAD
LAKHTOKIA
GUWAHATI-1
P.S. PANBAZAR
DIST. KAMRUP
ASSA

Linked Case : WP(C)/4271/2012

RISHI GUPTA
S/O LT. RAGHUBIR SINGH GUPTA
R/O A.C. DUTTA LANE
F.A. ROAD KUMARPARA
P.S. BHARALUMUKH
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P.S. PANBAZAR
DIST. KAMRUP
ASSAM.

Advocate for the applicant(s): Mr. KN Choudhury, Senior Advocate
Mr. RJ Das

Advocate for the respondent(s): Mr. N Goswami
Government Advocate, Assam
Mr. PK Garodia

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

16.09.2024

Heard Mr. KN Choudhury, the learned senior counsel assisted by Mr. RJ Das, the learned counsel appearing on behalf of the applicant/writ petitioner. Mr. PK Garodia, the learned counsel appears on behalf of the Airport Authority of India.

2. This is an application seeking a procedural review to the order passed by this Court dated 02.02.2024 in WP(C)No.4271/2012 whereby this Court granted the liberty to the petitioner to file application before the Deputy Commissioner, Kamrup(M), Guwahati seeking reference, if so aggrieved with the inadequacy of the compensation and further directed that the said application be filed within 42 days from the date of the said order.

3. It is relevant to take note of that the said order was passed in absence of the writ petitioner's counsel and it has been brought to the attention of this Court that the counsel who was engaged in the writ petition had expired in November 2022.

4. Mr. KN Choudhury, the learned senior counsel submitted that the petitioner came to learn about the order dated 02.02.2024 in the month of May, 2024 and as such, immediately thereupon had filed the instant application seeking extension of time for extending the period as provided in the order dated 02.02.2024.

5. This Court having given an anxious consideration to the matter is of the opinion that interest of justice would be met, if a period of further 7(seven) days from today is given to the petitioner to submit his application before the Deputy Commissioner, Kamrup(M) in terms with Section 18 of the Land Acquisition Act, 1894. Accordingly, this Court permits the petitioners to submit the application seeking reference on or before 23.09.2024.

6. It is, however, made clear that in the circumstance, there is any enhancement of compensation, the petitioner herein would not be entitled to the interest on the enhanced compensation for the period from 02.02.2024 till the date of filing of the application seeking reference as permitted hereinabove.

7. Interlocutory application, accordingly, stands disposed of.

JUDGE

Comparing Assistant