

GAHC010148182024



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

Case No. : WP(C)/3748/2024

ABDUL KUDDUS LASKAR
S/O- LATE MADARIS ALI LASKAR, R/O- VILL AND PO NEAIRGRAM, PART-II,
DIST. CACHAR, ASSAM, PIN- 788013

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, DEPARTMENT OF REVENUE AND DM (LR), ASSAM (CIVIL)
SECRETARIAT, DISPUR, GUWAHATI- 781006

2:THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF ROAD TRANSPORT
AND HIGHWAYS
GOVT. OF INDIA
TRANSPORT BHAWAN
PARLIAMENT STREET
NEW DELHI
PIN- 110001

3:THE MANAGING DIRECTOR
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED
1ST AND 2ND FLOOR
TOWER A
WORLD TRADE CENTRE
NAUROJI NAGAR
NEW DELHI
110029

4:THE DISTRICT COMMISSIONER CUM COLLECTOR
CACHAR

SILCHAR
ASSAM
PIN- 788001

5:THE ADDITIONAL DISTRICT COMMISSIONER
REVENUE
CACHAR
ASSAM
PIN- 788001

6:THE DEPUTY GENERAL MANAGER (P)
NHIDCL
PMU-SILCHAR
PESKAR LANE
SONAI ROAD
KANAKPUR PART-I
SILCHAR- 788006
ASSA

Advocate for the petitioner(s): Mr. BD Das, Senior Advocate
Mr. S Sutradhar

Advocate for the respondent(s): Mr. S Baruah
Government Advocate
Ms. R Bora
For respondent Nos.2, 3 and 6
Mr. A Bhattacharjee
Standing Counsel,
Revenue Department, Govt. of Assam

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

31.07.2024

Heard Mr. BD Das, the learned senior counsel assisted by Mr. S Sutradhar,

the learned counsel appearing on behalf of the petitioner. Mr. A Bhattacharjee, the learned counsel appears on behalf of the Revenue Department of the Government of Assam. Ms. R Bora, the learned counsel appears on behalf of respondent Nos.2, 3 and 6 and Mr. S Baruah, the learned Government Advocate appears on behalf of respondent Nos.4 and 5.

2. The petitioner herein has filed the instant writ petition seeking a direction upon the respondent authorities to dispose of the appeal /representation/objection dated 13.03.2024 submitted by the petitioner for taking necessary steps for converting the nature of the land from Bhit to commercial/industrial land. It is seen from the records that a Notification under Section 3 C of the National Highway Act, 1956 was issued by the Ministry of Road Transport and Highways dated 02.02.2024, calling for objections to the use of the land for the purpose mentioned in the said Notification. In the said Notification, the land belonging to the petitioner has been duly mentioned. The petitioner, thereupon, submitted an appeal to the District Commissioner Cachar, Silchar, though not opposing the acquisition, but claiming that the zirat amount compensation should be included while determining the amount by taking necessary steps for converting the nature of the land from Bhit to commercial/industrial land in terms of Section 3G of the National Highways Act 1956 (for short, the Act of 1956).

3. This Court put a specific query upon the learned senior counsel as to whether any determination has been done of the compensation by the competent authority so appointed in terms of Section 3(a) of the Act of 1956. The learned senior counsel for the petitioner duly submits that the said determination is yet to be done, but the petitioner apprehends that his classification of land as a commercial land shall not be taken into consideration.

Taking into account the said submission, it is the opinion of this Court that the instant writ petition is a premature writ petition. In addition to that, it is also the opinion that if the petitioner is further aggrieved, the petitioner duly has the efficacious and alternate remedy in terms with Section 3 G of the Act of 1956. Accordingly, this Court, therefore, is not inclined to entertain the instant writ petition.

4. Be that as it may, this Court, however, observes that the competent authority, while determining the compensation shall duly take note of the provisions of Section 3 G of the Act of 1956.

JUDGE

Comparing Assistant