

GAHC010153522024



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

**Case No. : WP(C)/3951/2024**

DIPAK DAS  
S/O- LATE PANCHANAN DAS,  
R/O- H.NO. 231, NEAR GAUHATI NURSERY,  
A.T. ROAD, KAMAKHYA, GUWAHATI,  
P.O.- BHARALUMUKH,  
P.S.- JALUKBARI,  
DISTRICT- KAMRUP(M), ASSAM,  
PIN- 781009.

VERSUS

THE STATE OF ASSAM AND 3 ORS  
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM,  
REVENUE AND DM(LR) DEPARTMENT,  
ASSAM SECRETARIAT, DISPUR,  
GUWAHATI- 6.

2:THE DISTRICT COMMISSIONER  
KAMRUP METROPOLITAN DISTRICT  
GUWAHATI.

3:ADDL. DISTRICT COMMISSIONER  
I/C LAND ACQUISITION BRANCH  
KAMRUP(METRO) DISTRICT.

4:EXECUTIVE ENGINEER  
PWD  
JALUKBARI TERRITORIAL BUILDING DIVISION

JALUKBARI  
GUWAHATI- 13

Advocate for the petitioner(s): Mr. MH Choudhury, Senior Advocate  
Mr. P Chakraborty

Advocate for the respondent(s): Mr. B Choudhury  
Standing Counsel,  
PWD, Govt. of Assam  
Ms. S Sharma  
Government Advocate, Assam

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

**09.08.2024**

Heard Mr. MH Choudhury, the learned senior counsel, assisted by Mr. P Chakraborty, the learned counsel appearing on behalf of the petitioner.

2. Mr. B Choudhury, the learned counsel appears on behalf of the PWD Department and Ms. S Sharma, the learned counsel appears on behalf of the District Commissioner, Kamrup(M).

3. None appears on behalf of the Revenue Department, Government of Assam on call. However, taking into account the order which this Court proposes to pass, the presence of the respondent No.1 is dispensed with.

4. The petitioner herein is aggrieved by the inadequacy of compensation given to the petitioner in respect to the land which has been acquired by the respondent authorities in LA Case No.29/2023. This Court is of the opinion that

taking into account that there is an effective and efficacious remedy available under Section 12 of the Assam Land (Requisition & Acquisition) Act 1964 which is to be read with the Land Acquisition Act, 1984 for arriving at an appropriate compensation in terms with the Right To Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the petitioner herein would be well advised to approach the District Commissioner, Kamrup (M) seeking a reference to the Court as regards the inadequacy of compensation.

5. Accordingly, this Court is not inclined to entertain the instant writ petition and the same stands closed. However, the petitioner is given the liberty to approach the respondent No.2, who is also the Collector seeking a reference in terms with Section 12 of the Assam Land (Requisition & Acquisition) Act 1964.

**JUDGE**

**Comparing Assistant**