

GAHC010158712023



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

Case No. : WP(C)/4346/2023

MONI RAM ROY AND ANR
S/O- LATE DAMAN SING ROY,
VILL. AND P.O.- SIDLI,
DISTRICT- SIRANG, ASSAM.

2: THIREN CH. ROY
S/O- LATE DAMAN SING ROY

VILL. AND P.O.- SIDLI

DISTRICT- SIRANG
ASSAM

VERSUS

THE POWER GRID CORPORATION OF INDIA LIMITED AND 6 ORS
REPRESENTED BY THE CHAIRMAN AND MANAGING DIRECTOR,
HAVING ITS REGISTERED OFFICE AT B-9,
QUTAB INSTITUTION AREA,
KATWARIA SARAI, NEW DELHI- 110016.

2:THE CHIEF MANAGER
CONSTRUCTION
POWER GRID CORPORATION OF INDIA LIMITED
A GOVT. OF INDIA ENTERPRISE AND CTU COMPANY

HAVING ITS REGISTERED OFFICE AT B-9

QUTAB INSTITUTION AREA

KATWARIA SARAI

NEW DELHI- 110016.

3:THE EXECUTIVE DIRECTOER
OF THE POWER GRID CORPORATION OF INDIA LTD.
6TH FLOOR
MONAL TOWER

G.S. ROAD
OPPOSITE ASAM SECRETARIAT

DISPUR
GUWAHATI- 781006.

4:THE GENERAL MANAGER OF POWER GIRD CORPORATION OF INDIA
LTD.
6TH FLOOR
MONAL TOWER

G.S. ROAD
OPPOSITE ASAM SECRETARIAT

DISPUR
GUWAHATI- 781006.

5:THE STATE OF ASSAM
REPRESENTED BY ADDITIONAL CHIEF SECRETARY

THE REVENUE AND DISASTER MANAGEMENT DEPARTMENT

JANATA BHAWAN
DISPUR

GUWAHATI- 06.

6:THE DEPUTY COMMISSIONER

KAJALGAON
CHIRANG

PIN- 783385.

7:THE CIRCLE OFFICER
KAJAL GAON
DISTRICT- CHIRANG
PIN- 783385

For the Petitioner(s) : Mr. M. Saikia, Advocate

For the Respondent(s) : Mr. R. K. Talukdar, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 22.07.2024

Heard Mr. M. Saikia, the learned counsel appearing on behalf of the Petitioners and Mr. R. K. Talukdar, the learned Standing counsel appearing on behalf of the Respondent Nos. 1, 2, 3 and 4. I have also heard Mr. R. Borpujari, the learned Standing counsel who appears on behalf of the Respondent No.5 and Mr. S. Baruah, the learned Standing counsel who appears on behalf of the Respondent Nos. 6 and 7.

2. The Petitioners herein are aggrieved on account of non-payment of compensation by the Respondent Nos. 1, 2, 3 and 4 on account of erection of the transmission line towers, stringing of transmission power cables for transmission of 800 KV HVDC High Voltage Electricity from Biswanath Chariali to Agra commencing from March, 2010 to March, 2015. It is the case of the Petitioners that the Petitioners' name were duly mentioned in the order passed by the Additional District Magistrate, Chirang dated 05.03.2015 however the Petitioners were not paid any compensation. Under such circumstances, the Petitioners have therefore approached this Court.

3. It is seen that a dispute had arisen as regards the payment of compensation to the Petitioners and as such the Chief Manager of the Respondent No.1 had requested the Circle Officer, Sidli, Chirang District to make necessary verifications as to whether the Petitioners herein

would be entitled to the payment of compensation or as to whether the Shri Debeswar Ray, Shri Saiten Ray and Shri Someswar Ray on the other hand would be entitled to compensation. It is further seen that the Circle Officer, Sidli Revenue Circle had given a report on 24.06.2015 that the Petitioners herein would not be entitled to and on the other hand the said three persons namely Shri Debeswar Ray, Shri Saiten Ray and Shri Someswar Ray would be entitled to compensation.

4. This Court has also taken note of that these three persons have also initiated proceedings under Section 10 of the Indian Telegraph Act, 1885 and in that regard, the learned Civil Judge, Chirang had also passed a judgment and decree to the effect that the said three persons would be entitled to higher compensation. It is also brought to the notice of this Court that this judgment and decree passed by the learned Court of the Civil Judge, Chirang have also been duly complied with by the Respondent Nos. 1 to 4.

5. Be that as it may, in the year 2023, the Petitioners have approached this Court seeking compensation on the ground that the Respondent Nos. 1 to 4 has failed to pay the compensation. This Court is of the opinion that the question which have been raised in the instant writ petition are disputed questions of facts which cannot be adjudicated in the instant proceedings. It is also relevant to take note of that the Indian Telegraph Act, 1885 duly provides adequate remedy in terms with Section 10 of the said Act to make necessary claim if the person is entitled to and in the said forum disputed questions of facts can be very well adjudicated. Under such circumstances, this Court is not inclined to entertain the instant writ petition on the ground of disputed questions of facts.

Accordingly, the instant writ petition stands dismissed.

6. Before parting with the records, this Court however observes that if the Petitioners are aggrieved as regards the non-payment of the due compensation, the dismissal of the instant writ petition shall not prejudice the Petitioner to avail the remedies available under the Indian Telegraph Act, 1885.

JUDGE

Comparing Assistant