

GAHC010159822024



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

Case No. : WP(C)/4105/2024

ISLAM UDDIN BARBHUIYA
SON OF LATE ABDUR RAHIM BARBHUIYA,
RESIDENT OF VILLAGE- KASHIPUR PART-II,
P.O.- KASHIPUR PART-II,
P.S.- SILCHAR SADAR,
DISTRICT- CACHAR, ASSAM,
PIN- 788009.

VERSUS

THE UNION OF INDIA AND 13 ORS
REPRESENTED BY ITS SECRETARY,
MINISTRY OF ROAD TRANSPORT AND HIGHWAY AUTHORITY OF INDIA,
NEW DELHI- 110075.

2:THE NATIONAL HIGHWAY AUTHORITY OF INDIA
REPRESENTED BY ITS CHAIRMAN

H.Q. G5 AND 6

LOCATION SECTOR-10
DWARKA

NEW DELHI- 110075.

3:THE REGIONAL DIRECTOR
NATIONAL HIGHWAY AUTHORITY OF INDIA
REGIONAL OFFICE NEDFI HOUSE

4TH FLOOR
G.S. ROAD
DISPUR

GUWAHATI- 781006.

4:THE REGIONAL MANAGER (PROJECT)
BRANCH OFFICE- NATIONAL HIGHWAY AND INFRASTRUCTURE
DEVELOPMENT CORPORATION

SARAJ TOWER
1ST FLOOR
OPPOSITE DON BOSCO HIGH SCHOOL

NH 37(A)
TEZPUR- 784001
DISTRICT- SONITPUR
ASSAM.

5:THE DEPUTY MANAGER (P)
NHIDCL
BO- SILCHAR
PIN- 788001.

6:THE EXECUTIVE DIRECTOR (PROJECT)
REGIONAL OFFICE
GUWAHATI. NHIDCL
DISPUR 781006.

7:THE STATE OF ASSAM
THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM

PWD (ROADS)
DISPUR
GUWAHATI- 781006.

8:THE JOINT SECRETARY
GOVERNMENT OF ASSAM
REVENUE AND D.M. (LR) DEPARTMENT
DISPUR
GUWAHATI- 781006.

9:THE DISTRICT COMMISSIONER
CACHAR
P.O.- SILCHAR
DISTRICT- CACHAR

ASSAM
PIN- 788001.

10:THE ADDITIONAL DEPUTY COMMISSIONER AND LAND ACQUISITION
OFFICER
CACHAR

SILCHAR
P.O.- SILCHAR
DISTRICT- CACHAR
SILCHAR- 788001.

11:THE CHIEF ENGINEER
PWD (ROAD)
CHANDMARI
GUWAHATI
ASSAM
PIN- 781003.

12:THE EXECUTIVE ENGINEER
PWD (ROADS) DIVISION
DISTRICT- CACHAR
SILCHAR
ASSAM
PIN- 788001.

13:THE ASSISTANT COMMISSIONER
CACHAR
SILCHAR
DISTRICT- CACHAR
PIN- 788001.

14:THE ASSISTANT SETTLEMENT OFFICER
CACHAR REVENUE CIRCLE
SILCHAR
PIN- 788001
DISTRICT- CACHAR

Advocate for the Petitioner(s) : Mr. A.R. Talukdar

Advocate for the respondent(s): Mr. H. Sarma, Govt. Adv.

Ms. R. Bora, SC, NHAI

Mr. G. Hazarika, SC, Revenue Department

Ms. M. Das, SC, PWD

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 16.08.2024

Heard Mr. A.R. Talukdar, the learned counsel for the petitioner and Ms. R. Bora, the learned Standing Counsel, NHAI, appears on behalf of the respondent Nos. 2, 3, 4 & 5. Mr. H. Sarma, the learned Government Advocate appears on behalf of the respondent Nos. 9, 10, 13 & 14 and Ms. M. Das, the learned Standing Counsel, PWD appears on behalf of the respondent No. 11 & 12. None appears on behalf of the Union of India.

2. The petitioner herein claims to be the president of Kashipur Part-II Community Graveyard Protection Committee and has approached this Court with an apprehension that the respondent authorities though have not included the land of Dag Nos. 228 and 229 of Patta No. 13 of Kashipur Part-II, Mouza under Barakpur Parganah of Silchar Revenue Circle within the ambit of the Notification issued under Section 3D of the National Highways Act, 1956 dated 28.12.2023 but there is a move to acquire the said land by the respondent NHAI Authorities.

3. From a perusal of the writ petition, nothing transpires to show that the petitioner is authorised or has the authority to file the instant writ petition on behalf of the Pattadars in respect of Dag No. 228 and 229 of Patta No. 13 of Kashipur Part II Mouza. In addition to that no documents have been placed to show who is the owner of the said land Under such circumstances without going into the merits of the instant writ petition on the ground that the petitioner herein lacks locus standi to maintain the instant writ petition, this Court dismiss the instant writ petition.

4. Be that as it may, the dismissal of the instant writ petition shall not preclude the Pattadars of Dag Nos. 228 and 229 of the Patta No. 13 of Kashipur Pt-II, Mouza under Barakpur, Parganah of Silchar Revenue Circle in the District of Cachar to approach this Court, if so aggrieved.

JUDGE

Comparing Assistant