

GAHC010172222024



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

Case No. : I.A.(Civil)/2727/2024

MILAN DEBNATH AND 4 ORS.
W/O LATE NIKHIL CHANDRA DEBNATH
RESIDENT OF VILLAGE PATILADOHA, PO PATILADOHA, PS MANIKPUR,
DIST BONGAIGAON, ASSAM 783391

2: SMTI NABANITA PANDIT

W/O UMASANKAR PANDIT

RESIDENT OF VILLAGE ALIPURDUAR
DIST ALIPURDUAR 736121

3: SMTI. NANDITA DEBNATH
W/O SANJIT DEBNATH

RESIDENT OF VILLAGE BANDARCHARA
PO DOLOGAON
PS SAKAKATHI
DIST KOKRAJHAR
ASSAM 783380

4: SMTI PURNIMA DEBNATH
W/O NIRANJAN DEBNATH
RESIDENT OF VILLAGE BARPATHAR
PO NEW BONGAIGAON
DIST BONGAIGAON
ASSAM 783380

5: SRI AKASH DEBNATH
S/O LATE NIKHIL CHANDRA DEBNATH
RESIDENT OF VILLAGE PATILDOHA
PS MANIKPUR
DIST BONGAIGAON
ASSAM 78339

VERSUS

UNION OF INDIA AND 6 ORS
REP. BY THE SECRETARY, MIN OF ROAD TRANSPORT AND HIGHWAYS, B-
586, SECTOR 10, DWARAKA NEW DELHI, PIN- 110075

2:THE STATE OF ASSAM
THROUGH THE SECRETARY TO THE GOVT OF ASSAM
REVENUE (SETTLEMENT) DEPTT
DISPUR
GUWAHATI
ASSAM

3:DEPUTY COMMISSIONER
BARPETA
P.O AND DIST- BARPETA
ASSAM
PIN- 781301

4:NATIONAL HIGHWAY AUTHORITY OF INDIA
MIN OF ROAD TRANSPORT AND HIGHWAY
B-586
SECTOR 10
DWARAKA
NEW DELHI- 110075

5:COMPETENT AUTHORITY
LAND ACQUISITION
THROUGH THE DEPUTY COMMISSIONER
BARPETA
P.O AND DIST- BARPETA
ASSAM
PIN- 781301

6:PROJECT DIRECTOR
NHAI
BARPETA
P.O AND DIST- BARPETA
ASSAM
PIN- 781301

7:THE CIRCLE OFFICER
BARNAGAR REVENUE CIRCLE
SORBHOG
P.O- SORBHOG
DIST- BARPETA
ASSAM

PIN- 78131

Advocate for the Petitioner : MR A DASGUPTA, MR B DAS,MS B DAS

Advocate for the Respondent : DY.S.G.I., SC, REVENUE,GA, ASSAM,SC, NHAI

**BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

ORDER

20.09.2024

Heard the learned counsel for the parties.

The present application is filed for substitution of the legal heirs of the deceased writ petitioner No. 1, namely, Nikhil Chandra Dev Nath in his place in the connected writ petition being WP(C) No. 6875/2019.

The aforesaid writ petition has been filed for payment of solatium @ 30% and additional compensation @ 12% to the petitioners for acquisition of land.

The writ petitioner No. 1 had expired on 22.07.2023.

Mr. C. Baruah, learned Standing Counsel, NHAI has not objected to such prayer.

After perusal of the writ petition as well as the pleadings made in this application, this Court is of the considered opinion that the right to sue survives upon the legal heirs of the deceased writ petitioner No. 1. The names of the legal heirs of the petitioner No. 1 as mentioned at paragraph 5 of the present application are as follows:-

- i. Smti Milan Debnath (wife)

- ii. Smti Nabanita Pandit (daughter)
- iii. Smti Nandita Debnath (daughter)
- iv. Smti Purnima Debnath (daughter)
- v. Sri Akash Debnath (son)

Accordingly, the present application is allowed in impleading the petitioners as reflected in paragraph 5 of the present I.A.

The learned counsel for the petitioner is to furnish an amended cause title within a period of five days in terms of this order passed today before the Registry as well as to the learned counsel for the respondents.

Registry to do the needful for correction of the cause title of the connected writ petition being WP(C)/6875/2019.

Accordingly, the present I.A. stands disposed of.

JUDGE

Comparing Assistant