

GAHC010173502024



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

Case No. : WP(C)/4399/2024

BILTU DAS
S/O- LATE BIMAL KUMAR DAS,
R/O- VILLAGE- KAZIPARA PART -I (TOWN),
CHAPAR, WARD NO-4,
P.O AND P.S- CHAPAR,
DIST- DHUBRI, ASSAM, PIN-783371

VERSUS

THE UNION OF INDIA AND 6 ORS
REPRESENTED BY THE SECRETARY, TO THE GOVT. OF INDIA,
MINISTRY OF ROAD TRANSPORT AND HIGHWAY, TRANSPORT BHAWAN,
1, PARLIAMENT STREET, NEW DELHI-01.

2:THE NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD (NHIDCL)
TO BE REPRESENTED BY ITS GENERAL MANAGER (P)
PROJECT MONITORING UNIT
DHUBRI
NHIDCL
NEAR DHUBRI-PHULBARI BRIDGE
ADABARI PART-2
P.O.-CHAGACHARA
DHUBRI
ASSAM
PIN-783324.

3:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR

GUWAHATI-06.

4:DIRECTORATE OF LAND
REQUISITION
ACQUISITION AND REFORMS
ASSAM

RAJAH BHAWAN (2ND FLOOR)
RUPNAGAR
GUWAHATI-32

5:DISTRICT COMMISSIONER
DHUBRI
ASSAM

6:COMPETENT AUTHORITY LAND ACQUISITION (CALA)
O/O THE DISTRICT COMMISSIONER

TO BE REP. BY THE DISTRICT COMMISSIONER

7:CIRCLE OFFICER
CHAPAR REVENUE CIRCLE
DHUBRI
ASSA

For the petitioner (s) : Mr. A. R. Bhuyan, Advocate

For the respondent (s) : Mr. C. Baruah, SC, NHIDCL

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

09.09.2024

Mr. A. R. Bhuyan, the learned counsel for the petitioner submits that in view of the dispute involved herein pertains to the grievance of the petitioner as regards the inadequacy of the compensation, the petitioner would not like to further press the instant proceedings. He submitted that the petitioner would be well advised to approach the Competent Authority

by filing a Statement of Claim requesting the Competent Authority to make a reference in terms with Section 3G (5) of the National Highways Act, 1956. The learned counsel for the petitioner therefore submits that the withdrawal of the instant writ petition should not prejudice the petitioner in availing such remedies.

2. Taking into account that the National Highways Act, 1956 categorically mandates that if any party is aggrieved by the determination of compensation, the party can very well approach the Competent Authority for making a reference to the Arbitrator, this Court accordingly closes the instant writ petition on withdrawal.

3. The petitioner herein would be at liberty to approach the Competent Authority if the petitioner is aggrieved by the inadequacy of the compensation and upon such approach, the Competent Authority is directed to make the reference to the Arbitrator within 15 (fifteen) days from the date of the said representation.

JUDGE

Comparing Assistant