

GAHC010182892024



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

Case No. : WP(C)/4574/2024

ATANU BHUYAN
S/O- LATE MUKUL BHUYAN, R/O- H/NO. 661, BHUTNATH, GUWAHATI,
MOUZA- JALUKBARI, P.S. BHARALUMUKH, DIST. KAMRUP(M), ASSAM,
PIN- 781009.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, ASSAM SECRETARIAT, DISPUR, GUWAHATI-781006.

2:THE DISTRICT COMMISSIONER

KAMRUP METROPOLITAN DISTRICT (LAND ACQUISITION BRANCH)
GUWAHATI
PIN- 781036.

3:THE ADDITIONAL DISTRICT COMMISSIONER
I/C LAND ACQUISITION BRANCH
DIST. KAMRUP(M)
GHY-781036
ASSA

Advocate for the Petitioner : MS. B BHUYAN, MS. N CHOUDHURY,MS B BORA,MR. A
KHOUND,MR A TALUKDAR,MR J DAS,MR A SHARMA,MS M.CHAKRABORTY,MS R DAS

Advocate for the Respondent : SC, REVENUE,

BEFORE

HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 09-09-2024

1. Heard Ms. B. Bhuyan, the learned senior counsel assisted by Ms. N. Choudhury, learned counsel on behalf of the petitioner; Ms. G. Hazarika, learned counsel appearing on behalf of the respondent No. 1 and Ms. S. Sharma, learned counsel appearing on behalf of respondent Nos. 2 & 3.

2. The petitioner herein has approached this Court being aggrieved by the inadequacy of the compensation by the respondent authorities in respect to acquisition of 2 Lechas of land of the petitioner covered by Dag No. 435 included in patta No. 130 of village Kamakhya under Mouza-Jalukbari within the District of Kamrup (M), Assam. It is also seen from the records that the petitioner thereupon being aggrieved with the determination of the compensation had represented before the District Commissioner, Kamrup (M) on 10.01.2024 and 28.08.2024, but as there was no response received from the said respondent No. 2, the petitioner has therefore approached this Court.

3. From the perusal of the writ petition and the submission of the learned counsel for the petitioner it appears that the petitioner is aggrieved by the inadequacy of compensation. The remedy therefore lies under Section 12 of the Assam Land (Requisition & Acquisition) Act, 1964 (for short 'the Act of 1964') taking into account that the acquisitions in the instant case have been made under the said Act of 1964. It is further seen that by representation dated 10.01.2024 as well as on 28.08.2024, the petitioner had requested for enhancement of the compensation. Taking into account, the mandate of Section 12 of the Act of 1964, it is the opinion of this Court that the petitioner would be

well advised if the petitioner submits an application specifically under Section 12 of the Act of 1964 before the District Commissioner, Kamrup(M) seeking a reference to the Court.

4. Ms. B. Bhuyan, the learned senior counsel appearing on behalf of the petitioner submits that the petitioner would file such application within 15 days.

5. Taking into account the above, this Court therefore disposes the instant writ petition thereby granting liberty to the petitioner to submit the application under Section 12 of the Act of 1964 before the District Commissioner, Kamrup (M), Land Acquisition Branch along with the certified copy of the instant order. It is further directed that in the circumstance the petitioner submits the said application, the District Commissioner, Kamrup (M) i.e the respondent No. 2 is directed to forthwith and not later than 15 days from the date of submission of the said application, refer the matter to the Court i.e. the Court of District Judge, Kamrup (M) for an adjudication as regards the inadequacy of the compensation.

6. With the above observations and directions, this instant petition stands disposed of.

JUDGE

Comparing Assistant