

GAHC010203222024



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

Case No. : WP(C)/5098/2024

NASIM AHMED AND ANR
S/O- LATE SAFIQUE UDDIN BARLASKAR,
PERMANENT R/O- BAHADURPUR,
P.O- RONGPUR,
P.S- SILCHAR, DIST- CACHAR, ASSAM

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN-1,
PARLIAMENT STREET, NEW DELHI-01.

2:THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
DISPUR GUWAHATI 6

3:THE CHAIRMAN
THE NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
3RD FLOOR PTI BUILDING 4 PARLIAMENT STREET NEW DELHI 110001

4:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM REVENUE DEPTT. DISPUR GUWAHATI 6

5:THE GENERAL MANAGER (P) PMU/SILCHAR
THE NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
PASKER LANE
SONAI ROAD
KANAKPUR PART I
SILCHAR

PIN-788006

6:THE DISTRICT COLLECTOR/ DISTRICT COMMISSIONER
CACHAR
SILCHAR
ASSAM
PIN-788001

7:THE ADDL. DISTRICT COMMISSIONER
CUM COMPETENT AUTHORITY OF LAND ACQUISITION
NHIDCL
SILCHAR
CACHAR-788001

8:THE EXECUTIVE ENGINEER PWD
LAKHIPUR
BARKHOLA AND KATIGORAH TERRITORIAL BUILDING DIVISION
SILCHAR
CACHAR
ASSA

Advocate for the Petitioner : MR. B J GHOSH, MR. T SK,MR. I ALAM

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

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

16.12.2024

Heard Mr. I. Alam, learned counsel for the petitioners. Also heard Mr. C. Baruah, learned Standing Counsel, NHIDC, and Mr. B.J. Talukdar, learned Senior State Counsel assisted by Mr. P.K. Medhi, learned counsel for the State respondents.

2] This writ petition is filed by the petitioners questioning the Zirat assessments as well as for granting time for shifting of the business premises of the petitioners to any alternative locations.

3] This Court by order dated 01.10.2024 issued notice to the respondents directing the respondent Authorities to provide some reasonable time to the petitioners to shift from their present locations. Being aggrieved, a second writ petition being WP(C) No.6073/2024 was filed by the petitioners during the pendency of the present writ petition and by order dated 26.11.2024 the said writ petition was disposed of directing the petitioners to handover the said land within 3 (three) days from the date of the order.

4] In view of the order dated 26.11.2024 passed in WP(C) No.6073/2024, no separate order needs to be passed in this writ petition. Since the petitioners have been directed to vacate the premises within the outer limit of 28.12.2024, the writ petitioners will comply with the order dated 26.11.2024 passed in WP(C) No.6073/2024. It is needless to say that if the petitioners are aggrieved with the quantum of compensation then they may take recourse to the remedies prescribed under the National High Ways Act, 1956.

5] Learned counsel for the petitioners submits that in respect of the quantum of valuation of land and Zirat Compensation, a representation dated 14.11.2024 has already been filed before the Additional District Commissioner, Cachar Silchar. The said representation being filed during the pendency of the writ petition, a copy of the same is placed before the Court today. The Court has taken judicial notice of the same and the copy placed before the Court today is kept as a part of the case record.

6] In view of this representation filed by the petitioners, the respondents will proceed to determine the grievances of the petitioners in terms of the provisions prescribed under the National Highway Act, 1956.

7] With the above observations and directions, the writ petition stands

disposed of.

JUDGE

Comparing Assistant