

GAHC010206602016



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

Case No. : WP(C)/5052/2016

M/S SONAPUR TEA COMPANY PRIVATE LIMITED
HAVING ITS REGD. OFFICE AT 61-B PARK STREET, KOLKATA16, AND
HAVING ITS PLACE OF BUSINESS AT SONAPUR-782042, DIST- KAMRUP
METRO, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY COMMISSIONER and SECY., GOVT. OF ASSAM, REVENUE and DM
DEPTT., DISPUR, GHY-6

2:THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM
DEPTT. OF AGRICULTURE
DISPUR
GHY-6

3:THE DIRECTOR OF AGRICULTURE
ASSAM
KHANAPARA
GHY-22

4:THE COLLECTOR CUM DY. COMMISSIONER
KAMRUP METRO
PANBAZAR
GHY-

Advocate for the Petitioner : MR G ALAM, MR.H ROHMAN,MR.P D NAIR,MR.D NAG

Advocate for the Respondent : GA, ASSAM, SC, AGRI. DEPARTMENT,SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

ORDER

Date : 08-08-2024

1. Heard Mr. P.D. Nair, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned Standing Counsel, Revenue and Disaster Management appears for respondent No. 1, Mr. S M T Chesti, learned Standing Counsel, Agriculture Department appears for respondent Nos. 2 and 3, while Ms. U. Das, Additional Central Government Advocate appears for respondent No. 4.

2. The present writ petition was so instituted by the petitioner praying for the following reliefs:-

- “i) Direct the respondents no.1, 2 and 3 to sanction and pay to the petitioner Rs. 1,39,13,000/- (Rupees one crore thirty nine lacs and thirteen thousand only) for 34 Bigha – 4 katha – 2 lecha as compensation;
- ii) Direct the respondents, more particularly the respondent No. 3 and respondent no. 4 to allow the petitioner to receive the amount of compensation of Rs. 1,39,13,000/- (Rupees one crore thirty nine lacs and thirteen thousand only) on protest and without prejudice to its legal rights to seek reference for determination of just and fair compensation.”

3. This Court vide order dated 05.04.2019 considering the nature of the dispute involved had granted liberty to the petitioner herein to withdraw the admitted amount of Rs. 1,39,13,000/- from the respondent. It is stated that the said amount has been received by the petitioner.

4. In that view of the matter, the relief prayed for in the present proceeding having been so granted to the petitioner herein, no further live issue arises for adjudication.

5. However, Mr. P.D. Nair, learned counsel for the petitioner submits that the amounts as claimed by the petitioner has not been released and the amount admitted by the authorities was so received by the petitioner, without prejudice to the claim of the petitioner for enhancement of the compensation involved. Accordingly, he submits that the same would be so done by instituting appropriate proceedings, in accordance with law.

6. In view of the above position and the amount as admitted being so received by the petitioner, without prejudice to the petitioner's right to claim for enhancement of the compensation so determined in the matter, this petition need not be detained any further for adjudication and is accordingly closed. However, liberty is reserved to the petitioner, to take appropriate steps in the matter for enhancement of the compensation determined with regard to the land so acquired by the respondent authorities.

JUDGE

Comparing Assistant