

GAHC010218592022



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

Case No. : WP(C)/7102/2022

FORASH UDDIN LASKAR AND 7 ORS.
S/O- LT. TABARAK ALI LASKAR, VILL- RAJYESHWARPUR PART-III, P.O.
AMALA, P.S. LALA, DIST.- HAILAKANDI, ASSAM

2: SOIF UDDIN CHOUDHURY
S/O- LT. TAHIR ALI
VILL- RAJYESHWARPUR PART-III
P.O. AMALA
P.S. LALA
DIST.- HAILAKANDI
ASSAM

3: KANCHYAN DAS
S/O- LT. AMULYA DAS
VILL- CHANDRAPUR PART-I
P.O. CHANDRAPUR
P.S. LALA
DIST.- HAILAKANDI
ASSAM

4: NEZAM UDDIN CHOUDHURY
S/O- LT. ANJAD ALI
VILL- LALA PART-I
P.O./ P.S. LALA
DIST.- HAILAKANDI
ASSAM

5: NAZRUL ISLAM
S/O- LT. ATAUR RAHMAN CHOUDHURY
VILL- LALA PART-I
P.O./ P.S. LALA
DIST.- HAILAKANDI
ASSAM

6: BELWAR HUSSAIN CHOUDHURY
S/O- LT. MUJAMMIL ALI CHOUDHURY
VILL- DHANIPUR
P.O./ P.S. LALA
DIST.- HAILAKANDI
ASSAM

7: MASUK UDDIN CHOUDHURY @ MASUK AHMED
S/O- LT. ABDUL HOQUE CHOUDHURY
VILL- DHANIPUR
P.O./ P.S. LALA
DIST.- HAILAKANDI
ASSAM

8: NIAFAR ALI CHOUDHURY
S/O- LT. ABDUL GAFUR CHOUDHURY
VILL- DHANIPUR
P.O./ P.S. LALA
DIST.- HAILAKANDI
ASSA

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECY. TO THE GOVT. OF INDIA, MINISTRY OF ROAD,
TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN-1, PARLIAMENT
STREET, NEW DELHI- 110001

2:THE STATE OF ASSAM
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GHY-6

3:THE DIVISIONAL COMMISSIONER
BARAK VALLEY DIVISION
HOUSEFED COMPLEX
DISPUR
GHY-6

4:THE DY. COMMISSIONER AND COMPETENT AUTHORITY
MINISTRY OF ROAD TRANSPORT AND HIGH WAYS
HAILAKANDI

5:THE CHIEF ENGINEER (NH WORKS)
ASSAM
CHANDMARI
GHY-3

6:THE EXECUTIVE ENGINEER
PWD
KARIMGANJ
N.H. DIVISION
KARIMGAN

Advocate for the Petitioner : MR F U BARBHUIYA

Advocate for the Respondent : DY.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

20-05-2024

Heard Mr. F. U. Borbhuiya, learned counsel for the petitioners. Also heard Ms. K. Phukan, learned CGC for respondent no. 1; Ms. G. Hazarika, learned Standing Counsel, Revenue Department for respondent nos. 2; Mr. H. Sarma, learned Addl. Senior Govt. Advocate for respondent nos. 3 & 4. Mr. B. Gogoi, learned Standing Counsel, PWD for respondent nos. 5 & 6.

The grievance of the petitioners is that the re-assessed compensation awarded by the Arbitrator relating to acquisition of land of the petitioner under the ***National Highway Act, 1956*** has not been paid. It is the case of the petitioners that though the work was executed by the PWD, (NH works), the State of Assam, the requiring authority is the Ministry of Shipping Road Transport and Highways and therefore it is the said authority who is to release the amount to the PWD (NH works), who in turn deposit the same before the competent authority of land acquisition (CALA).

Today, when the matter was called, Ms. K. Phukan, learned Central Govt. Counsel places before this Court an instruction dated 16.04.2024 received from the Assistant Executive Engineer, Govt. of India, Ministry of Road Transport and Highways, Regional Office. It appears from the aforesaid instruction that the subject amount has already been processed for payment to CALA.

On perusal of the aforesaid instructions, it appears that the case of the petitioner has been observed which pertains to land acquisition for LALA bypass. It further appears that revised cost estimate for land acquisition and structures from km 35/00 to km 46/00 of NH-154 imder SARDP-NE, (phase –A) has been sanctioned by Ministry for Rs.1049 lakh (includes Rs.507.51 lakh for additional compensation for land acquisition as per arbitration award dated 01.07.2017 and Hon'ble Court order dated 28.08.2018) vide letter No. 12018/01/2022/AS-LA/North East C. No. 217612 dated 19.07.2023. It further appears that the Office of the Assistant Executive Engineer for Regional Office, Guwahati Ministry of Road Transport and Highways has processed the subject amount to CALA on 12.10.2023 and 18.03.2024. The vouchers of the same are enclosed along with the instructions. A copy of the said instructions furnished by Ms. K. Phukan, learned CGC is kept on record and marked as "X".

In view of the above, this Court is of the opinion that this writ petition can be disposed of by providing the concerned authorities to take appropriate steps under the law for releasing the subject amount to the petitioner as expeditiously as possible but not later than 3 (three) months from the date of receipt of the certified copy of the order.

Ordered accordingly.

As such, the writ petition stands disposed of.

JUDGE

Comparing Assistant