

GAHC010226162022



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

Case No. : WP(C)/7131/2022

ATOWAR RAHMAN
S/O- LT. ANOWAR ALI, VILL- BHATIPARA, P.S. JOGIGHOPA, DIST.-
BONGAIGAON (ASSAM)

VERSUS

THE UNION OF INDIA AND 5 ORS
REP. BY ITS SECY. TO THE GOVT. OF INDIA, MINISTRY OF ROAD
TRANSPORT AND NATIONAL HIGHWAYS, TRANSPORT BHAWAN,
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:NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
(MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVT. OF INDIA) REP. BY ITS MANAGING DIRECTOR
3RD FLOOR
PTI BUILDING
4
PARLIAMENT STREET
NEW DELHI- 110001

4:THE DY. GENERAL MANAGER (PROJECT)
PMU
BONGAIGAON NATIONAL HIGHWAYS AND INFRASTRUCTURE
DEVELOPMENT CORPORATION LTD.
JOGIGHOPA

H.NO. 279
ISLAMPUR
P.S. JOGIGHOPA
DIST.- BONGIGAON (ASSAM)
PIN- 783382

5:THE DY. COMMISSIONER
BONGAIGAON (ASSAM)
PIN- 783382

6:THE CIRCLE OFFICER
BOITAMARI REVENUE CIRCLE
BOITAMARI
DIST.- BONGAIGAON (ASSAM)
PIN- 78338

Advocate for the Petitioner : MS. R CHOUDHURY

Advocate for the Respondent : SC, NHIDC

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

22.05.2024

Heard Ms. R. Choudhury, learned counsel for the petitioner. Also heard Mr. H. Sarma, learned Addl. Sr. Government Advocate appearing for the State respondents and Ms. N. Bordoloi, learned Standing Counsel, Revenue as well as Mr. R.K. Talukdar, learned counsel for the NHIDCL.

2. By filing this writ petition under Article 226 of the Constitution of India, the writ petitioner is seeking compensation for 1 Katha of land covered by Dag No. 256 Patta No. 117 which was acquired by the respondents.

3. The specific grievance of the petitioner is that though the respondents have acquired 1 Katha of the petitioner's subject land, compensation has only been given in respect of 10.42537 Lechas of land. Accordingly, the present writ

petition has been filed.

4. Mr. H. Sarma, learned Addl. Sr. Government Advocate for the State respondents submits that compensation has been given in respect of 10.42537 Lechas of land only which is acquired. Attention of this Court is also drawn to Paragraph No. 7 of the affidavit-in-opposition filed on behalf of the respondent no.5 which reads as hereunder-

“7. That with regard to the averments made in paragraph- 6 of the writ petition, the deponent begs to state that as reported by Circle Officer, Boitamari Revenue Circle by letter dated 14-03-2022 there is a mismatch/ discrepancy in respect of area of land and the concerned Dag. In the Chitha copy, the Dag No. 256 covers an area of OB-1K-OL whereas as per map and field verification conducted by the LR Staff of Circle Office, Boitamari, it was found that the aforesaid Dag covers an area of OB-OK-10.42537L. The Gazette notification dated 16-10-2020 was issued and sl No 37 of the Schedule appended to the said notification, the name of land owners were shown as i) Smti Benubala Ray, (Smti Renubala Ray) W/o Rati Kanta Ray and ii) Mahammad Anower Ali, S/o Mofijuddin and area in Hector is shown as 0.01397.”

5. It appears that the issue involved in this writ petition is as regards the compensation for the remaining portion of land which is alleged to have been acquired by the respondents.

6. In view of the above, this Court is of the considered view that this writ petition can be disposed of with a direction to the respondent No.5 to cause an enquiry into the matter specifically as regards how much land of the petitioner has been acquired and is in the occupation/possession of the respondents. In the event it is found that excess land of the petitioner is under occupation of the respondent NHIDCL, compensation in accordance with law shall be given to the petitioner. Needless to clarify that the entire exercise shall be carried out within a period of 6(six) months from the date of receipt of a certified copy of this

order.

7. With the aforesaid directions and observations, this writ petition stands disposed of.

JUDGE

Comparing Assistant