

GAHC010246802024



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

Case No. : WP(C)/6220/2024

ABUL KALAM AZAD
S/O- LATE BASIR UDDIN SEIKH @ LATE BASIR SEIKH, R/O- VILL.-
KALAPANI, P.O. KALAPANI, DIST. SOUTH SALMARA MANKACHAR,
ASSAM, PIN- 783135.

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT,
DISPUR, GHY-06.

2:THE DISTRICT COMMISSIONER
SOUTH SALMARA MANKACHAR
DIST. SOUTH SALMARA
MANKACHAR
ASSAM

3:THE CIRCLE OFFICER
MANKACHAR CIRCLE
DIST. SOUTH SALMARA MANKACHAR
ASSAM

4:THE SETTLEMENT OFFICER
MANKACHAR CIRCLE
DIST. SOUTH SALMARA MANKACHAR
ASSAM

5:THE ASSISTANT SETTLEMENT OFFICER
MANKACHAR CIRCLE
DIST. SOUTH SALMARA MANKACHAR
ASSAM

6:THE CHIEF ENGINEER PWD (ROADS)
CHANDMARI
GUWAHATI-03
ASSAM

7:THE EXECUTIVE ENGINEER PWD (ROADS)
SOUTH SALMARA
MANKACHAR
DIST. SOUTH SALMARA MANKACHAR
ASSA

Advocate for the Petitioner : MR. P K DEKA, MR. P DAIMARY,MS. N M LONGKENG,MR. R. KARIM,J MEDHI

Advocate for the Respondent : GA, ASSAM, SC, PWD ROAD

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

16-12-2024

Heard Mr. P.K. Deka, learned counsel for the petitioner. Also heard Mr. H. Sarma, learned Additional Senior Government Advocate, Assam and Ms. G. Hazarika, learned Standing Counsel, Revenue and Disaster Management Department.

2] The petitioner claims to be the legal heirs of one Late Basir Uddin Sheikh @ Late Basir Sheikh who owned a plot of meyadi land covered by Dag No.111/114, Patta No.252 of Village-Kalapani under Sirakhuwa Mouza, District-South Salmara, Mankachar, Assam. A part of the said land is stated to have been acquired by the respondent authorities for construction of the RCC Bridge for connecting the road from Dhanuwa NHC Road to Boisabari without giving any notice to the writ petitioner. It is the further claim of the writ petitioner that

no steps have been taken for providing compensation to the petitioner for the land acquired as well as for the damage caused to the house of the petitioner during the construction of the said RCC Bridge. It is submitted that the compensation payable to the petitioner for the land acquired as well as the damage caused has not been released to the petitioner in spite of the representation filed. Learned counsel for the petitioner has referred to the representation dated 17.04.2024 submitted before the Executive Engineer, PWD Road (Div), South Salmara Mancachar. He has also referred to a representation filed on 24.07.2024 before the District Commissioner, South Salmara, Mankachar reiterating his prayer for compensation. It is submitted that in spite of the representations submitted by the petitioner, his grievance has not been redressed. Being aggrieved, he has filed the present writ petition.

3] This Court by earlier order dated 27.11.2024 permitted the respondent authorities to complete their instructions. Today when the matter was called up, Mr. H Sarma, learned Additional Senior Government Advocate, Assam, submits that he has sought for instructions but the same has not yet been received.

4] Upon hearing the learned counsel for the parties and upon perusal of the writ petition, it is seen that one of the prayers made in the writ petition i.e. prayer No. (iv) is for a direction to the respondents to consider the representations dated 17.04.2024 and 24.07.2024 at the earliest.

5] Since one of the prayers in the writ petition is for a direction to the respondent Authorities to consider his representation dated 17.04.2024 and 24.07.2024 since the petitioner has not received his compensation for the land acquired for construction of a bridge and damages if any caused, this Court is of the view that without commenting on the merits of the matter, considering that the representation dated 24.07.2024 stated to have been filed before the

District Commissioner, South Salmara, Mankachar and the same stated to have been kept pending and also in view of the fact that the instructions sought for by the learned Senior Government Advocate has not yet been received, this Court is of the view that the ends of justice will be met if the writ petition is closed directing the District Commissioner, South Salmara, Mankachar to consider the prayer made in the representation dated 24.07.2024 stated to have been filed before the Office of the District Commissioner, South Salmara, Mankachar and pass appropriate order in respect of the compensation sought for. The District Commissioner, South Salmara, Mankachar will call for necessary reports from the Executive Engineer PWD Department in respect of the works purported to have been carried out over a part of the land belonging to the petitioner and thereafter, the District Commissioner, South Salmara, Mankachar shall pass a speaking order in terms of the provisions of law upon due verification of the reports call for and upon examination of the relevant revenue files in respect of the acquisition of the said plot of land. A copy of such an order as may be passed by the District Commissioner, South Salmara, Mankachar be served on the writ petitioner. This entire exercise will be carried out within a period of 90 (ninety) days from the receipt of a certified copy of this order which will be served by the learned counsel for the petitioner.

6] With the above observations and directions the writ petition stands disposed of.

JUDGE

Comparing Assistant