

GAHC010248512022



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

Case No. : WP(C)/7842/2022

ON THE DEATH OF DEBENDRA NATH SARMA, HIS LEGAL HEIR SMTI.
MILAN DEVI AND 4 ORS.
W/O LATE DEBENDRA NATH SARMA, R/O
VILL.- .KHALIPUR, COLLEGE ROAD, P.O BIDYAPARA, P.S DHUBRI, DIST-
DHUBRI, ASSAM, PIN-783324.

2: AMIYA KUMAR SARMA
S/O HIRANYA KUMAR SARMA

VILL.- BARIGAON

P.S.- GHAGRAPAR

P.O.- DAKHINGAON
IN THE DISTRICT OF NALBARI
ASSAM
PIN- 781350.

3: RIPUNJOY KUMAR SARMA
S/O LATE HIRANYA KUMAR SARMA

VILL.- BARIGAON

P.S.- GHAGRAPAR

P.O.- DAKHINGAON
IN THE DISTRICT OF NALBARI
ASSAM
PIN- 781350.

4: MANIKA DEVI
D/O LATE HIRANYA KUMAR SARMA

VILL.- BARIGAON

P.S.- GHAGRAPAR

P.O.- DAKHINGAON
IN THE DISTRICT OF NALBARI
ASSAM
PIN- 781350.

5: DIPANKAR KUMAR SARMA
S/O LATE HIRANYA KUMAR SARMA

VILL.- BARIGAON

P.S.- GHAGRAPAR

P.O.- DAKHINGAON
IN THE DISTRICT OF NALBARI
ASSAM
PIN- 781350

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE PRINCIPAL SECRETARY, REVENUE AND DISASTER
MANAGEMENT DEPTT., ASSAM SECRETARIAT (CIVIL), DISPUR, DIST.-
KAMRUP (M), ASSAM, PIN- 781006.

2:THE COMMISSIONER AND SECRETARY
PWD
ASSAM SECRETARIAT
PWD (ROADS)
DISPUR
DIST.- KAMRUP (M)
ASSAM
PIN- 781006.

3:THE DEPUTY COMMISSIONER
NALBARI
IN THE DISTRICT OF NALBARI
ASSAM
PIN- 781335.

4:THE LAND ACQUISITION OFFICER AND ADC
NALBARI
DIST.- NALBARI
ASSAM
PIN- 781335.

5:THE EXECUTIVE ENGINEER
NALBARI DISTRICT TERRITORIAL ROAD DIVISION
GOPALBAZAR
NALBARI
ASSAM
PIN- 781335.

6:THE CIRCLE OFFICER
GHOGRAPAR REVENUE CIRCLE
DIST.- NALBARI
ASSAM
PIN- 781369

Advocate for the Petitioner : MR. M KALITA

Advocate for the Respondent : GA, ASSAM

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

22.03.2024

1. Heard Mr. J Hatimuria, learned counsel for the petitioners. Also heard Mr. BJ Talukdar, learned Senior counsel for the respondent State.
2. The grievance of the petitioner is that the patta lands of the petitioners have been acquired by the State authorities under the Assam Land (Requisition & Acquisition) Act, 1964 and an award has also been passed in LA Case No.8/2022. The petitioners being aggrieved with the award had preferred an application before the Deputy Commissioner, Nalbari (Annexure-7), which goes to show that the petitioner is aggrieved by the quantum of award inasmuch as according to the petitioner, the value would have been much more than what has been determined.
3. Section 12 of the Assam Land (Requisition & Acquisition) Act, 1964 under which the lands have been acquired mandates that in the event any interested party is aggrieved by the determination of value may raise objection before the Collector, Land Acquisition and in the event such application is filed, such claim is

to be referred to the referral court under Section 12.

4. In view of the aforesaid mandate of law, the present writ petition is disposed of directing the Collector of Nalbari district to take on record the applications filed by the petitioners on 11.08.2022 and 12.08.2022 and refer the said dispute to the jurisdictional referral court as early as possible and not beyond 60 days from the date of receipt of certified copy of this order.
5. It is made clear that if such reference is not sent within the aforesaid period of 60 days, in the event any interest is paid by the referral court, the interest accrued for the period of delay at the pre-referral stage, the referral court will be at liberty to fasten the liability of payment of the interest upon the defaulting Collector personally.
6. Writ petition stands disposed of.

JUDGE

Comparing Assistant