

GAHC010250472019



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

Case No. : WP(C)/7780/2019

RANGMAL RAMCHIARY AND 6 ORS.
S/O. LT. NARA RAMCHIARY, VILL. PUB-ATHIABARI, P.O. ATHIABARI,
MOUZA- MUSHALPUR, DIST. BAKSA, BTAD, ASSAM, PIN-781377.

2: RAMDAS RAMCHIARY
S/O. SAMBHIR RAMCHIARY
VILL. PUB-ATHIABARI
P.O. ATHIABARI
MOUZA- MUSHALPUR
DIST. BAKSA
BTAD
ASSAM
PIN-781377.

3: HARI NARAYAN RAMCHIARY
S/O. LT. KRISHNA KANTA RAMCHIARY
VILL. PUB-ATHIABARI
P.O. ATHIABARI
MOUZA- MUSHALPUR
DIST. BAKSA
BTAD
ASSAM
PIN-781377.

4: CHANDAN KRISHNA BARO
S/O. LT. NARAYAN BARO
VILL. CHUTIAPARA
P.O. ATHIABARI
MOUZA- DAKSHIN BASKA
DIST. BAKSA
BTAD
ASSAM
PIN-781377.

5: DHARMESWAR LAHARY
S/O. SRI NAGEN LAHARY
VILL. PAMUA PATHAR
P.O. PAMUA PATHAR
MOUZA- DIST. BAKSA
BTAD
ASSAM
PIN-781372.

6: KASHIM ALI
S/O. MD. MASHER ALI
VILL. BENNABARI
P.O. BENNABARI
MOUZA- DAKSHIN BASKA
DIST. BAKSA
BTAD
ASSAM
PIN-781333.

7: JWNGKLAB RAMCHIARY
S/O. LT. GURU RAMCHIARY
VILL. GOLDING PARA
P.O. PAMUA PATHAR
MOUZA- DAKSHIN BASKA
DIST. BAKSA
BTAD
ASSAM
PIN-781372

VERSUS

THE UNION OF INDIA AND 5 ORS.
REP. BY THE SECRETARY TO THE GOVT. OF INDIA, DEPTT. OF POWER,
SHRAM SHAKTI BHAWAN, RAFI MARD, NEW DELHI-110001.

2:THE GOVT. OF ASSAM

REP. BY ITS COMM. AND SECY.
DEPTT. OF REVENUE
DISPUR
GUWAHATI-06.

3:THE CHIEF ENGINEER

ASSAM ELECTRICITY GRID CORPORATION LTD.
BIJULI BHAWAN
PALTAN BAZAR
GUWAHATI-01.

4:THE ASSTT. GENERAL MANAGER

132KV
GRID SUB-STATION
ASSAM ELECTRICITY GRID CORPORATION LTD.
CHIRAKUNDI
RANGIA
DIST. KAMRUP
ASSAM
PIN-781354.

5:THE DY. COMMISSIONER

BAKSA
P.O. MUSHALPUR
BTAD
ASSAM
PIN-781343.

6:THE CIRCLE OFFICER

BASKA REVENUE CIRCLE
P.O. MUSHALPUR
DIST. BAKSA
BTAD
ASSAM
PIN-781344

Advocate for the Petitioner : MR. S A AHMED, MISS M GOGOI,MRS. P PHUKAN

Advocate for the Respondent : ASSTT.S.G.I., SC, AEGCL,GA, ASSAM,SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

Date : 23.09.2024

Heard Mr. S.A. Ahmed, the learned counsel appearing on behalf of all the petitioners. Ms. K. Phukan, the learned Standing Counsel, AEGCL appears on behalf of the respondent Nos. 3 & 4.

The Petitioners herein in the instant writ petition are aggrieved by the nonpayment of the Zirat as well as also for the adequate compensation in respect to the right of the use of the land which was acquired by the Respondent Authorities.

It is the case of the Petitioners that some of the Petitioners have received certain amount on account of the value of the land but there is no compensation paid on account of Zirat and in respect to some other Petitioners, they are yet to receive any compensation.

This Court duly takes note of that by virtue of Section 164 of the Electricity Act, 2003, the provisions of the Indian Telegraph Act, 1885 have been made applicable in the matter of construction of overhead line by the licensee. Section 10 of the Indian Telegraph Act, 1885 deals with the powers of the authority to place and maintain telegraph lines and posts. Section 16(3) of the Indian Telegraph Act, 1885 provides that in case of any dispute as regards the sufficiency of the compensation, an application may be made before the District Judge within whose jurisdiction the property is situated.

Taking into account that the Petitioners herein are aggrieved on account of insufficiency of the compensation or no payment of compensation, the Petitioners herein would be well advised to approach the learned District Judge, Baksa in terms with Section 16 of the Indian Telegraph Act, 1885. In the circumstance, the said application is filed by the Petitioners within a period of 45 days from today, the learned District Judge, Baksa shall proceed with the adjudication of the said proceedings in accordance with the applicable provisions of law.

With the above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant