

GAHC010254722014



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

Case No. : WP(C)/1039/2014

JANGLI GOUR and 19 ORS
S/O LT. BADRI GOUR.

2: SRI PHULENA GOUR
S/O RAMDANI GOUR

3: HIRA LAL CHAUHAN
S/O LT. DOMA NUNIA

4: SHYAM BABU CHAUHAN
S/O LT. DOMA NUNIA

5: UMESH GOUR

6: MOHAN GOUR

7: SANJOY GOUR

8: BIJOY GOUR

9: MUNNA GOUR

10: BHAGAWAN GOUR

11: GOURI SANKAR GOUR
PETITIONER NO. 5 TO 11 ARE THE SONS LT. GANGA GOUR.

12: SMTI KAMALA DEVI
W/O LT. GANGA GOUR

13: SHEO RATAN GOUR
S/O LT. TILSWAR GOUR

14: SMTI GIYANTI DEVI
D/O LT. MANILAL GOUR

15: HARENDRA @ HARINDAR GOUR
S/O LT. PARASH GOUR

16: SMTI FULJHARIA GOUR
D/O LT. PARASH GOUR

17: RAMAKANTA CHAUHAN
S/O LT. BHADAI CHAUHAN

18: DASARAT CHOUDHURY
S/O LT. MANO

19: GOURI SANKAR CHOUDHURY
S/O LT. DUDH NATH CHOUDHURY

20: SMTI GULMATI DEVI
D/O LT. SHEO PUJAN MUSI
ALL ARE R/O VILL- THAISUBALI
P.O. KARIKHANA
MOUZA- LANKA
P.S. LANKA
DIST. NAGAON
ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REP. BY THE COMMISSIONER and SECY, WATER RESOURCES
DEPARTMENT, DISPUR, GHY-6.

2: THE DEPUTY COMMISSIONER CUM COLLECTOR

NAGAON DISTRICT AT NAGAON

3:THE SUB-DIVISIONAL OFFICER CIVIL
SANKARDEV NAGAR
HOJAI SUB-DIVISION
HOJAI
DIST. NAGAON

Advocate for the Petitioner : MR.A R SHOME

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

04.04.2024

Heard Mr. S. Chauhan, learned counsel for the petitioners. Also heard Mr. B. Goswami, learned Addl. AG, Assam assisted by Mr. C.S. Hazarika, learned Junior Government Advocate, Assam for respondent Nos. 2 & 3 and Mr. C. Sharma, learned Government Advocate for respondent No. 1.

By filing this writ petition, the writ petitioners are seeking compensation in respect of their lands, which was acquired by the respondents.

The fact of the case is that the petitioners' land was acquired on 12.08.2002 by issuing notice under Section 9 of the Land Acquisition Act, 1894 for the purpose of construction of embankment of Kapili river, namely Jogijan-Kapili Project. The respondents took possession of land of the petitioners on 24.08.2002. However, till date, compensation has not been paid.

Mr. B. Goswami, learned Addl. AG, Assam by producing the instruction

received by the Junior Government Advocate from the office of the Addl. District Commissioner on 13.02.2024 to the effect that the compensation of the petitioners' land have been calculated and fixed at Rs. 14,29,62,343.97/- and accordingly has forwarded the same to the requiring authority, i.e., Water Resource Department for placing the fund in order to make payments to the affected parties, i.e. petitioners.

Copies of the said instructions has been placed on record, which are marked as Annexure-'X' & 'Z' and the same has also been furnished to the learned counsel appearing on behalf of the petitioners.

The learned counsel for the petitioners submits that he has no objection if the said amount is paid to the petitioners and the same shall address the grievances raised in the writ petition.

Mr. C. Sharma, learned Government Advocate for respondent No. 1 submits that after receiving the proposal from the Government of Assam, the funds can be made available to the District Commissioner to enable him to disburse the same to the petitioners.

In view of the aforesaid endorsements made by the respective counsels, this Court is of the considered view that for the ends of justice, this writ petition can be disposed of with a direction to the requiring authority, i.e., respondent No. 1 Water Resource Department to consider the proposal received from the office of the District Commissioner, Government of Assam and make the necessary funds available to the District Commissioner, Hojai District so as to enable the office of the Deputy Commissioner to disburse the same to the

petitioners in accordance with law.

It is needless to clarify that the said exercise should be completed within a period of 6 months from the date of receipt of a certified copy of this order.

The petitioners shall submit a certified copy of this order to the respondent No. 3.

Accordingly, the writ petition stands disposed of.

JUDGE

Comparing Assistant