

GAHC010258802024



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

Case No. : WP(C)/6487/2024

SITARAM KANOO AND 17 ORS
S/O LATE SIBA PRASAD KANOO,
RESIDENT OF VILLAGE PALOICHERRA PART II, PO SULTANICHERRA, DIST
HAILAKANDI, ASSAM

2: KESHAB PRASAD KANU
S/O SRIPRASHAD KANU

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

3: MIRA KANU
D/O LATE BRAJARANGI KANU

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

4: SUBODH KANU
S/O LATE PUJAN KANU

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

5: PRATIMA KANU
D/O LATE PUJAN KANU

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA

DIST HAILAKANDI
ASSAM

6: BIDYA SAGAR KANU
S/O LATE PUJAN KANU

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

7: RAJEN KANU
S/O BRAJARANGI KANU

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

8: PRATAP DAS
S/O LATE RANJIT DAS

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

9: RAJU DAS
S/O LATE RANJIT DAS

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

10: TAHAMIN BAHAR CHOUDHURY @ LASKAR
W/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

11: SAMSUL HAQUE LASKAR

S/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

12: NUR NEHAR LASKAR
D/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

13: NUR JAHAN LASKAR
D/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

14: MINARA BEGUM LASKAR
D/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

15: SAJNA BEGUM LASKAR BARBHUYAN
D/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

16: MOINUL HOQUE LASKAR
S/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

17: PIYARA BEGUM LASKAR
D/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSAM

18: SUPIYA BEGUM LASKAR
D/O ALI AHMED LASKAR

RESIDENT OF VILLAGE PALOICHERRA PART II
PO SULTANICHERRA
DIST HAILAKANDI
ASSA

VERSUS

THE UNION OF INDIA AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN 01,
PARLIAMENT STREET, NEW DELHI 110001.

2:THE DISTRICT COMMISSIONER CUM COMPETENT AUTHORITY
NORTH HAILAKANDI
PO AND PS HAILAKANDI
ASSAM

3:THE ADDITIONAL DISTRICT COMMISSIONER

HAILAKANDI
ASSA

Advocate for the Petitioner : MR. R PHUKAN,

Advocate for the Respondent : DY.S.G.I., GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

06-12-2024

Heard Mr. P. Phukan, learned counsel for the petitioners. Also heard Mr. N. Goswami, learned Government Advocate, Assam for the respondent nos. 2 & 3 and Mr. C. Baruah, learned CGC for the respondent no.1.

2] This writ petition is filed by the petitioners whose claim before this Court is that their application for Zirat Compensation which was reassessed and have not yet been disbursed to the them by the respondent Authorities. The present petitioners are legal heirs of the original owners and pursuant to the arbitral award dated 01.07.2017 revised Zirat compensation was required to be released to the present petitioners in their capacity as legal heirs of the original owners. In spite of the applications filed before the competent authority, namely, the respondent no.2, no steps have been taken for release of the revised Zirat compensation. It is submitted that other similarly situated persons, whose cases have been reconsidered for revised Zirat compensation, have already had their compensation released. However, the cases of the petitioners have not been reconsidered and in spite of the applications filed, no order has been passed by the respondent Authorities. Being aggrieved, the present writ petition has been

filed.

3] Learned counsel for the petitioners submits the limited prayer of the petitioners only to consider their applications submitted before the Deputy Commissioner, Hailakandi.

4] Considering the limited prayer made by the petitioners and considering the applications stated to have been submitted before the Deputy Commissioner, Hailakandi, this Court is of the view that the matter need not be kept pending for instructions from the respondent Authorities. Accordingly, this Court is of the view that the matter can be disposed of with a direction to the Deputy Commissioner, Hailakandi to look into the grievance of the petitioners and if they are entitled to the revised Zirat compensation, the same should be released to them without any further delay. The respondents also do not object to such order proposed to be passed by the Court.

5] Under such circumstances, the writ petition stands disposed of at the Motion stage itself without issuing any notice to the respondents. Accordingly, this Court directs the Deputy Commissioner, Hailakandi, to consider the prayer made by the petitioners on the basis of the representations/applications stated to have been filed and thereafter, taking into consideration the particulars, necessary or specific orders be passed in respect of each of the petitioners, if they found to be entitled to receive the revised Zirat compensation in terms of

the arbitration award dated 01.07.2017. Any further particulars that may be necessary for the Deputy Commissioner, Hailakandi for disposing of the applications filed by the petitioners may be called for from the petitioners. Let the exercise be completed within a period of 60 (sixty) days from the date of receipt of a certified copy of this order to be furnished by the writ petitioners.

6] In view of the above observations and directions, the writ petition stands disposed of at the Motion stage itself.

JUDGE

Comparing Assistant