

GAHC010262732017



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

Case No. : WP(C)/2487/2017

AZIZUR RAHMAN BARBHUIYAN
S/O. LT. AYUB ALI BARBHUIYAN, VILL. BOWARGHAT PT.-I, P.O.
BOWARGHAT, P.S. and DIST. HAILAKANDI, ASSAM.

VERSUS

THE STATE OF ASSAM and 4 ORS.
TO THE REP. BY COMM. and SECY. TO THE GOVT. OF ASSAM, REVENUE
DEPTT., DISPUR, GHY.-781006.

2:THE DY. COMMISSIONER
HAILAKANDI CUM LAND ACQUISITION COLLECTOR
HAILAKANDI
ASSAM.

3:LAND ACQUISITION OFFICER
HAILAKANDI.

4:NATIONAL HIGHWAY AUTHORITY OF INDIA.

5:SARAFAT ALI BARBHUIYAN
S/O. LT. AMIR ALI BARBHUIYAN
VILL. BOWARGHAT PART-I
P.O. BOWARGHAT
DIST. HAILAKANDI
PIN-788151

Advocate for the Petitioner : MR.T K DEY

Advocate for the Respondent : MS.M BORUAH(R-5)

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

O R D E R

12.01.2024.

The instant Writ Petition has been filed by the petitioner being aggrieved by the non-payment of compensation in respect to the acquisition of his land covered by Dag No.235 and Patta No.185 of village Bowarghat Part-I.

(2) It has been alleged that the respondent authorities have wrongly paid the said compensation to the respondent No.5.

(3) The record reveals that an affidavit-in-opposition has been filed by the respondent No.2 who is the District Commissioner, Hailakandi. In the said affidavit, more particularly at paragraph No.5, it has been mentioned that compensation against Dag No.235 of Patta No.185 was received by various persons including the respondent No.5, on 19.01.2013.

(4) Taking into account the above, the only recourse which would be available to the petitioner is to approach the appropriate Civil Court, if the petitioner is in a position to prove his title over the land.

(5) Under such circumstances, the question of entertaining the instant Writ Petition at this stage does not arise, for which the instant Writ Petition stands dismissed.

(6) However, the dismissal of the instant Writ Petition shall not prejudice the petitioner to initiate appropriate proceedings, if so otherwise entitled under the law.

JUDGE

Comparing Assistant