

GAHC010264992022



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

Case No. : WP(C)/37/2023

BIJEN RAM RABHA AND ANR
S/O- LT. SAGIN RABHA, R/O- SANTINAGAR, GOALPARA TOWN, P.O., P.S.
AND DIST.- GOALPARA, ASSAM

2: GIRI SANKAR RABHA
S/O- LT. SAGIN RABHA
R/O- KHARBUJA
P.O. DAKURBHITA
P.S. AND DIST.- GOALPARA
ASSA

VERSUS

THE UNION OF INDIA AND 7 ORS
REP. BY ITS SECY. TO THE GOVT. OF INDIA, MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS, NEW DELHI-01

2:THE NATIONAL HIGHWAYS AUTHORITY OF INDIA
REP. BY ITS CHAIRMAN
HAVING ITS H.Q. AT SECTOR 10
DWARKA
NEW DELHI- 110075

3:THE STATE OF ASSAM
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GHY-06

4:THE NATIONAL HIGHWAYS AUTHORITY OF INDIA
REP. BY ITS CHAIRMAN
REGIONAL OFFICE AT GUWAHATI
NEDFI HOUSE
4TH FLOOR

G.S.ROAD
DISPUR
GHY-06

5:THE GRADUATE ENGINEER- III FOR DGM (P)- PMU- DUBURI
NHIDCL
GTB ROAD
OPP. BHOOTHNATH TEMPLE
ABOVE AGARWAL MOTOR
DHUBRI
ASSAM
PIN- 783324

6:THE COLLECTOR CUM DY. COMMISSIONER
GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 783121

7:THE ADDL. DY. COMMISSIONER
GOALPARA CUM COMPETENT AUTHORITY (LAND ACQUISITION) UNDER
NATIONAL HIGHWAYS AUTHORITY OF INDIA
GOALPARA
DIST.- GOALPARA
ASSAM
PIN- 783121

8:THE CIRCLE OFFICER
BALIJANA REVENUE CIRCLE
DIST.- GOALPARA
ASSAM
PIN- 78312

For the Petitioner(s) : Mr. S. Hoque, Advocate

For the Respondent(s) : Ms. K. Phukan, CGC
: Ms. G. Hazarika, Govt. Advocate
: Ms. S. Sharma, Govt. Advocate
: Ms. R. Bora, CGC

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 16.08.2024

Heard Mr. S. Hoque, the learned counsel appearing on behalf of the Petitioners and Ms. K. Phukan, the learned CGC appearing on behalf of the Respondent No.1. I have also heard Ms. R. Bora, the learned CGC appearing on behalf of the Respondent Nos. 2, 4 and 5. I have also heard Ms. G. Hazarika, the learned Government Advocate appearing on behalf of the Respondent No.3; Ms. S. Sharma, the learned Government Advocate appearing on behalf of the Respondent Nos. 6, 7 and 8.

2. From a perusal of the materials on record, it is seen that the Petitioners herein have filed the instant petition seeking direction upon the Respondent Authorities to formally acquire the patta land of the Petitioners measuring 1 Bighas vide Dag No.106 covered by Patta No.8 at village Kharbuja as per the provision of law and to pay compensation as per the present market value of the said land.

3. It is seen from the affidavit filed by the Petitioners on 16.08.2023 that the land of the Petitioners admeasuring 0.048 Hectare have already been acquired by issuance of notification under Section 3D of the National Highways Act, 1956 (for short "the Act of 1956"). Under such circumstances, the Petitioners herein would be duly entitled to the compensation in respect to so much of the land which have been acquired.

4. Accordingly, the instant writ petition therefore stands disposed with the observations that the Petitioners herein would be entitled to the

compensation as determined in terms with Section 3G(1) of the Act of 1956 in respect to the land so acquired of the Petitioners as mentioned in the notification dated 17.02.2023. It is further observed that if the Petitioners are aggrieved by the inadequacy of the compensation, the Petitioners can always take resort to the provisions of Section 3G(5) of the Act of 1956.

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

6. Interim order passed if any, stands vacated.

JUDGE

Comparing Assistant