

GAHC010267652023



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

Case No. : WP(C)/7052/2023

UMA KANTA BORAH AND ANR
S/O- LATE DAMBARUDHAR BORAH, R/O- H.NO. 34, PUB SURAJ NAGAR,
NEAR MODERN ENGLISH SCHOOL, ODALBAKRA, KAHILIPARA,
GUWAHATI, ASSAM, PIN- 781019

2: SMTI. RUPANJALI BARUAH BORAH
W/O- LATE GYANSUBHAN BORAH
R/O- BORIGAON
GOHPUR (TC) (PART)
GOHPUR
DISTRICT- BISWANATH
ASSAM
PIN- 78416

VERSUS

THE UNION OF INDIA AND 6 ORS.
REPRESENTED BY THE JOINT SECRETARY (TRANSMISSION), MINISTRY
OF POWER, GOVERNMENT OF INDIA, SHRAM SHAKTI BHAWAN, RAFI
MARG, NEW DELHI, PIN- 110001

2: THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI
ASSAM
PIN- 781006

3: THE DEPUTY COMMISSIONER
BISWANATH
ASSAM

4:THE SUB-DIVISIONAL OFFICER
BISWANATH
ASSAM

5:THE CIRCLE OFFICER
GOHPUR REVENUE CIRCLE
DISTRICT- BISWANATH
ASSAM

6:M/S POWER GRID CORPORATION OF INDIA LTD.
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR
B-9
QUTAB INSTITUTIONAL AREA
KATWARIA SARAI
NEW DELHI
PIN- 110001

7:CHIEF GENERAL MANAGER
M/S POWER GRID CORPORATION OF INDIA LTD.
NORTHEASTERN REGION
PUB-SURUJ NAGAR PATH
NUTUN BAZAR
ODALBAKRA
KAHILIPARA
GUWAHATI
ASSAM
PIN- 78101

Advocate for the Petitioner : MS N DEKA

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

15.07.2024

1. Heard Mr. S. Dey, learned counsel for the petitioners. Also heard Mr. G.N. Sahewalla, learned Senior Counsel assisted by Mr. M. Sahewalla, learned counsel for the respondent no.6 & 7, Ms. N. Bordoloi, learned counsel for the respondent no.2 and Mr. S.R. Barua, learned counsel for the respondent nos.3, 4 & 5.

2. By filing this petition under Article 226 of the Constitution of India, the petitioners are seeking a direction from the respondents to assess the damage occurred to the lands of the petitioners', while constructing the 220 KV Ranganadi-Biswanath High Voltage Transmission Line and to pay compensation thereof in accordance with the applicable Guidelines of the Ministry of Power.

3. The specific case of the petitioners is that the petitioners lands have been affected while the Power Grid Corporation has erected and acquired their lands in concerned with the project for construction of High Voltage Transmission Tower and 1200 KV High Voltage evacuation line overhead.

4. The grievance of the petitioners is that despite their lands having been affected, no compensation has been paid till date.

5. Accordingly, a representation was filed on 27.04.2023 before the Deputy Commissioner, Biswanath District, Assam.

6. It is submitted at the bar that this writ petition can be disposed of with a direction to the Deputy Commissioner, Biswanath District, Assam (respondent no.3) to dispose of the said representation, in terms of Section 16 of the Indian Telegraph Act, 1885 (hereinafter referred to as the "Act of 1885").

7. In view of the aforesaid endorsement made by the learned counsels for the parties, this Court deems it appropriate to dispose of the writ petition by

directing the respondent no.3 to dispose of the representation dated 27.04.2023 filed by the petitioners (Annexure-3 to the writ petition), in terms of Section 16 of the Act of 1885 and also the Circular dated 10.03.2017 issued by the Government of Assam (Annexure-III).

8. It is needless to clarify that the aforesaid exercise shall be completed within a period of 2 (two) months from the date of receipt of a certified copy of this order.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant