

GAHC010315862019



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

Case No. : WP(C)/9470/2019

INDRESWAR KEUT
S/O- LT. NOMAL KEUT, R/O- VILL- BARANGABARI, P.O. BORONGABARI,
P.S. GOHPUR, DIST.- BISWANATH, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPTT., DISPUR, GHY-6

2:THE DY. COMMISSIONER
BISWANATH CHARIALI
DIST.- BISWANATH
ASSAM

3:THE ADDL. DY. COMMISSIONER
(REVENUE) BISWANATH- CUM- COMPETENT AUTHORITY UNDER THE
NATIONAL HIGHWAY ACT
1956
OFFICE OF THE DY. COMMISSIONER
BISWANATH
ASSAM

4:THE CIRCLE OFFICER
BISWANATH
ASSAM REVENUE CIRCLE
DIST.- BISWANATH
ASSAM

5:NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
DEVELOPMENT CORPORATION LTD. (NHIDCL)
REP. BY ITS GENERAL MANAGER (PROJECT) BRANCH OFFICE NHIDCL

SAROJ TOWER
1ST FLOOR
OPP. DON BOSCO HIGH SCHOOL
MAZGAON
NH-37
TEZPUR
PIN- 78400

Advocate for the Petitioner : MR. T J MAHANTA, MR B S DEKA,MR. P P DUTTA,MR T GOGOI

Advocate for the Respondent : GA, ASSAM, SC, REVENUE,SC, NHIDC

BEFORE

THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

Order

31.07.2024

1. Heard Mr. PP Dutta, learned counsel for the petitioner. Also heard Mr. H Sarma, learned State counsel and Ms. R. B. Bora, learned counsel representing the respondent No. 5 and Ms. P Mahanta, learned standing counsel for the Revenue Department.
2. According to the petitioner, three plots of lands belonging to the petitioner covered by patta No. 8 of Dag No. 510, Patta No. 8 Dag No. 579 and patta No. 91 of Dag No. 529 of village Hukajan of Biswanath district was acquired by the respondent authority for construction of four lane national Highway. But the respondent authority has not paid the determined compensation to the petitioner in respect of the acquired lands.
3. The NHIDCL has filed an affidavit through the Deputy General Manager (P), NHIDCL and contended that the petitioner has been paid due compensation and being aggrieved the petitioner had also approached the arbitrator for enhancement and enhancement was also granted and such enhancement has also been paid.
4. At this stage, the learned counsel for the petitioner submits that though such payment has been made after filing of the writ petition, however, according to him a revision in the rate of compensation was made, so far relating to the lands of the petitioner and nearby lands and such enhanced and revised compensation has not yet been paid.

5. In the aforesaid backdrop, Mr. H Sarma, learned counsel representing the Deputy Commissioner cum Collector, Biswanath district submits that such prayer can be considered by the Collector cum competent authority himself and pass an order.
6. At this stage, Mr. Dutta submits that though he is aware that the rate has been revised, however, the final order determining such rates has not been furnished to him and therefore a direction may also be issued to the competent authority to furnish such list prepared under Section 3G of the Highway Act.
7. Considering such submission and taking note of the consensus arrived at, as well as the nature of litigation, this court is of the view that the present writ petition can be disposed of directing the petitioner to file a detailed application seeking revised compensation before the District Collector cum competent authority and in the event such application is filed, same be considered and a speaking order be passed as per law. The copy of the order, if any passed under Section 3G of the Act may also be furnished to the petitioner. Such exercise be completed within a period of 8 weeks from the date of receipt of a certified copy of a order to be furnished by the petitioner before the Deputy Collector cum competent authority.
8. Writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant