



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

Case No. : WP(C)/310/2023

SMTI. V. KHEVILI SUMI
R/O D.C. HILL ZUNHEBOTO, NAGALAND

VERSUS

THE STATE OF NAGALAND AND 8 ORS
THROUGH THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

2:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
MoRTH
TRANSPORT BHAWAN
NEW DELHI-110001

3:THE MANAGING DIRECTOR
NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED (NHIDCL)
4 PARLIAMENT STREET
NEW DELHI-110001

4:THE EXECUTIVE DIRECTOR
NHIDCL
PWD REST HOUSE PWD COLONY

5:THE COMMISSINER AND SECRETARY
DEPT. OF WORKS AND HOUSING
GOVT. OF NAGALAND

6:THE CHIEF ENGINEER
PWD (NH)
KOHIMA NAGALAND

7:THE DEPUTY COMMISSIONER

ZUNHEBOTO NAGALAND

8:ADDITIONAL DEPUTY COMMISSIONER
ZUNHEBOTO NAGALAND

9:THE SUPERINTENDENT OF POLICE
ZUNHEBOTO NAGALAN

Advocate for the Petitioner : PAKINRICHAPBO

Advocate for the Respondent : GOVT ADV NL

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

Date : 30.04.2024

Heard Mr. Pakinrichapbo, learned counsel appearing for the petitioner. Also heard Mr. Achungli, learned Government Advocate appearing for the State respondent Nos.1,5,6,7,8,and 9 and Mr. Moa Jamir, learned counsel for the respondent Nos. 2,3 and 4.

2. By filing this writ petition under Article 226 of the Constitution of India, the petitioner seeks direction to the respondent authorities to pay compensation for the damage caused to her properties after quantifying the damages.

3. The case of the petitioner is that she had started Horti farms, Cardamon plantation, dug three fishery ponds, put up fencing of 10 rows of barbed wire and hume pipe culvert was built including the seasonal crops vegetables. However, after construction of the two lane began, the respondent authorities started to dump soil/debris in the petitioner's farm land which

has caused huge damage to her farm land and even to the extent that the road connectivity has badly been destroyed creating sort of small mountain inside the farm.

4. It is contended that the petitioner is aggrieved by the above two lane construction from Chakhabama-Zunhebotois under SARDP-NE at DEF colony Zunheboto executed by the Gayatri Projects Ltd but which was later on awarded to the National Highway and Infrastructure Development Corporation Limited (in short, NHIDCL). Being aggrieved by the above damage caused to the properties of the petitioner, the petitioner filed a representation before the respondent Nos. 4 and 7 on 27.7.2023 praying for payment of compensation to the damage caused to her farm land situated at DEF Zunheboto. However, the said representation has not been considered by the respondent authorities till date.

5. The learned counsel for the petitioner submits that at this stage, he has a limited prayer that this writ petition may be disposed of with a direction to the respondent authorities to dispose of her representation dated 27.7.2023 submitted before the respondent Nos. 4 and 7.

6. Both the learned counsels for the respondents has no objection to the said prayer made by the learned counsel for the petitioner. However, Mr. Moa Jamir, learned counsel for the respondent Nos. 2,3 and 4 submits that the NHIDCL came into the picture in the matter only in the year 2017 after the alleged damage was already caused to the properties of the petitioner.

7. Be that as it may, since the parties are in agreement on the limited prayer made by the learned counsel for the

petitioner, in view of the said agreement of the parties, this writ petition is disposed of at this stage with a direction to the respondent authorities more particularly the respondent Nos. 4 and 7 to dispose of the representation dated 27.7.2023 submitted by the petitioner for assessment of the compensation by passing a speaking order within a period of 30 days from the date of receipt of certified copy of this order.

8. With the above, the writ petition stands disposed of.

**Sd/-
JUDGE**

Comparing Assistant