



Serial No. 17
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 268 of 2024

Date of Decision: 30.07.2025

Smti. Victrolla K. Sangma
W/o Dr. P.K. Marak

:::Petitioner

-Vs-

1.The State of Meghalaya represented by
its Commissioner and Secretary Revenue
and Disaster Management Department, Shillong
Government of Meghalaya

2.The Chief Secretary,
Government of Meghalaya
Shillong – 01

3.The District Collector/Deputy Commissioner
(Revenue) West Garo Hills District, Tura,
Meghalaya

4.Union of India represented by the Secretary,
Ministry of Road Transport, Head Office-
Transport Bhawan 1, Parliament Street,
New Delhi

5.The National Highway Authority of India
Represented by Secretary/Chairman,
HO-Sector-10, Dwarka, New Delhi-110075



6.National Highways and Infrastructure
Development Corporation (NHIDCL)
Represented by its Managing Director,
Head Office 3rd Floor PTI building, 4
Parliament Street, New Delhi-110001

7.The Project Manager, NHIDCL,
Kharmalki, Shillong

8.The Secretary, Garo Hills Autonomous
District Council (GHADC), Tura, West
Garo Hills

:::Respondents

Coram:

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Appearance:

For the Petitioner/Appellant(s) :	Ms. A. Paul, Sr. Adv. with Mr. S. Chanda, Adv. Ms. S. Khatun, Adv.
For the Respondent(s) :	Mr. S. Sen, GA with Ms. Z.E.Nongkynrih,GA(For R1-3) Dr. N. Mozika, DSGI with Ms. M. Myrchiang, Adv(For R4,6,7) Ms. E. Dkhar, Adv. vice Mr. S. Dey, SC GHADC(For R 8).

i) Whether approved for reporting in Law journals etc.:	Yes/No
ii) Whether approved for publication in press:	Yes/No



JUDGMENT AND ORDER (ORAL)

1. The petitioner by the instant writ petition has assailed a notice dated 15.07.2024, issued by the respondent No. 3, whereby notice was given to all land owners, structure owners and anybody in possession of land between Km 85th – Km 95th and from Km 101st – Km 145th on NH51 (Tura Dalu Road) to vacate such land or structure, which was acquired for widening the highway. The challenge of the petitioner is based on the allegation that the respondents are attempting to forcefully take possession of the land of the petitioner, without resorting to a proper acquisition process, or the granting of any compensation.

2. Ms. A. Paul, learned Senior counsel assisted by Mr. S. Chanda, learned counsel for the petitioner has submitted that a notification had been issued under Section 11(1) of the RFCATLARR Act 2013, in 2019 for acquisition of land for the widening of the NH51 (Tura Dalu Road), and that her name has appeared at Serial No. 16, of the said notification. It is submitted that though an objection was filed by the land owners, the same was not replied to. She further submits that the manner in which the respondents have initiated and dealt with the acquisition process is illegal, and not as per the RFCATLARR Act, 2013. Learned Senior counsel has placed reliance on the judgment rendered in the case of *Vidya Devi vs.*



State of Himachal Pradesh & Ors. reported in (2020) 2 SCC 569, wherein she submits, it has been held that to forcibly dispossess a citizen, without due process of law would be violative of a human right, as also the right under Article 300-A of the Constitution of India. However, she fairly submits that the petitioner may be given the liberty to approach the competent authority under Section 64 of the RFCATLARR Act 2013, to seek remedy.

3. Mr. S. Sen, learned GA for the State respondents No. 1-3 has submitted that in an earlier writ petition being WP(C) No. 239 of 2020, the same subject matter of acquisition of the land in question which the writ petitioner is agitating for, has already been disposed of by a co-ordinate bench of this Court, by allowing the petitioners therein, who are similarly situated as the writ petitioner to take recourse to Section 64 proceedings, under the RFCATLARR Act, 2013. He prays that a similar order be passed in this regard.

4. Having heard the learned counsel for the parties, without dwelling any further on the merits of the case, in view of the orders of this Court dated 04.10.2024, passed in WP(C) No. 239 of 2020, the writ petitioner is thus given the liberty to take recourse to Section 64 of the RFCATLARR Act 2013, for redressal of her grievances, if any. The writ petition accordingly is closed and disposed of.



5. All interim orders shall stand vacated.

Judge

Meghalaya
30.07.2025
"D.Thabab-PS"