GAHC010029892026

2026:GAU-AS:11584

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

Case No. : WP(C)/1138/2026

AMALA BIBI CHOUDHURY
W/O- LT. HASAN RAJA CHOUDHURY,
R/O- VILLAGE-LAILAPUR, P.O. AND P.S.-DHOLAI, DISTRICT- CACHAR, PIN-788114, ASSAM.

2: HASINA KHANOM LASKAR
W/O- RAJIB HUSSAIN LASKAR

R/O- VILLAGE- RAJGHAT
P.O.- BHAGA BAZAR
P.S.- DHOLAI
DISTRICT- CACHAR
ASSAM.

3: KAMIL HASAN CHOUDHURY
S/O- LT. HASAN RAJA CHOUDHURY
R/O- VILLAGE-LAILAPUR
P.O. AND P.S.-DHOLAI
DISTRICT- CACHAR
PIN-788114
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-781006.

2:DISTRICT COMMISSIONER
CACHAR
SILCHAR
ASSAM
PIN-788001.

3:ADDITIONAL DISTRICT COMMISSIONER
CACHAR
SILCHAR
ASSAM
PIN-788001.

4:JAMIL HASAN CHOUDHURY
S/O- LT. HASAN RAJA CHOUDHURY
R/O- VILLAGE-LAILAPUR
P.O. AND P.S.-DHOLAI
DISTRICT- CACHAR
PIN-788114
ASSAM.

5:THE NATIONAL HIGHWAY AUTHORITIES OF INDIA
G-5 AND 6
SECTOR-10
DWARKA
NEW DELHI- 110075.

6:THE NATIONAL HIGHWAY AUTHORITIES OF INDIA
REGIONAL OFFICE
NEDFI HOUSE
4TH FLOOR
G.S ROAD
DISPUR
GHY- 781006

Advocate for the Petitioner : MR. N H MAZARBHUIYAN, MS. L WAJEEDA,I S MAZARBHUIYAN,MR R I BHUYAN,MR. M H SAIKIA

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

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 14.08.2026

Heard Mr. I. S. Mazarbhuiyan, learned counsel appearing for the petitioners. Also heard Mr. H. K. Hazarika, learned Government Advocate appearing for the State respondent as well as Mr. S. Dutta, learned Standing Counsel appearing for the Revenue Department.

2. By way of this writ petition under Article 226 of the Constitution of India, the petitioners seek, inter alia, a direction for payment/apportionment of compensation in respect of the acquired land and jirat amongst the legal heirs of late Hasan Raja Choudhury in accordance with their respective shares under Mohammedan law.

3. The brief facts of the case are that land measuring approximately 10 kathas covered by Dag No. 187/216 under 2nd R.S. Patta No. 30, situated at Village-Lailapur, District-Cachar, was owned and possessed by late Hasan Raja Choudhury. Upon his demise in the year 2013, the petitioners and respondent No. 4 inherited the said land and the structures standing thereon.

4. It is the case of the petitioners that one of the sons of late Hasan Raja Choudhury had subsequently sold 3 kathas of land to third parties and, consequently, only about 7 kathas remained, which were thereafter acquired. According to the petitioners, all the legal heirs of late Hasan Raja Choudhury are entitled to receive the compensation, including compensation towards jirat, in accordance with their respective shares under Mohammedan law. It is alleged that while respondent No. 3 awarded land compensation to the petitioners, compensation towards both land and jirat

was awarded to respondent No. 4, thereby depriving the petitioners of their legitimate share in the jirat compensation.

5. Respondent No. 3, in its affidavit-in-opposition filed on 25.06.2026, has, however, stated as follows:

> "*5. That with regard to the averments made in paragraphs 4, 5 and 6 of the writ petition deponent begs to state that the Speaking Orders were passed by Competent Authority of Land Acquisition dated 27-08-2026 and 12-11-2025 was based on hearing of both the parties as per notices dated 19-07-2025 and 19-08-2025 and Rs. 59,78,275/- as structure value/award compensation covered by 2nd RS Dag No.187/216, Mouza-Lailapoor has been paid to the Awardee Jamil Hassan Choudhury vide Sanction Order No.CLA.06/2026/S-V-Pkg-II/Lailapoor/3 dated 11-03-2026. The name of Awardee's father Hassan Raja Choudhury has been corrected in the light of petition filed by the petitioner dated 06-11-2023 accordingly.*
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> *However, it is to be mentioned that the petition dated 06-11-2023 (Annexure-2 to the I.A. (C) No.1288/2026) and also petition dated 05-03-2026 (Annexure-8 to the I.A. (C) No.1288/2026) as regard apportionment of zirat compensation along with the copies of W.P. (C) No.1138/2026 and I.A. (C) No.1288/2026 has been forwarded to the Principal Court of original jurisdiction, Cachar vide office letter No.CLA.5/67 dated 22-06-2026, u/s 3H(4) of the National Highway Act, 1956 for favour of kind necessary action. Further, the copy of reference to the reference Court is also endorsed to the petitioners for their information."*

6. A perusal of the aforesaid stand taken by respondent No. 3 makes it evident that the dispute relating to apportionment of the jirat compensation has already been referred to the competent Reference Court under Section 3H(4) of the National Highways Act, 1956, vide office letter dated 22.06.2026. The said reference has been made along with the relevant petitions and the copies of the present writ petition and the connected interlocutory application. The petitioners have also been duly informed of the said reference.

7 In view of the aforesaid subsequent development, the grievance

raised by the petitioners in the present writ petition is now pending consideration before the competent Reference Court. The question as to the entitlement and apportionment of the jirat compensation amongst the rival claimants is, therefore, required to be adjudicated by the said Court in accordance with law.

8. In such circumstances, this Court does not consider it appropriate to adjudicate upon the entitlement of the respective parties to the compensation amount in exercise of its writ jurisdiction, particularly when the statutory mechanism contemplated under Section 3H(4) of the National Highways Act, 1956 has already been set in motion.

9. Learned counsel appearing for the parties are also ad idem that, in view of the aforesaid development, the present proceedings may be closed, leaving the parties to pursue their respective claims before the competent Reference Court.

10. Accordingly, the writ petition stands closed, leaving it open to the petitioners to pursue their claim before the competent Reference Court in accordance with law.

11. It is made clear that this Court has not expressed any opinion on the merits of the rival claims, including the respective entitlement of the parties to the compensation towards jirat, and the Reference Court shall consider the matter independently and in accordance with law.

12. Writ petition stands disposed of accordingly.

JUDGE

Comparing Assistant