GAHC030003032025

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

Case No. : WP(C)/50/2025

Sh. Darhmingthanga
S/o Lalliana (L), R/o Zonuam,
Aizawl, Mizoram

VERSUS

Union of India and 8 Ors.
R/b the Secretary to the Ministry of Road Transport and Highways, Govt. of Inida, Transport Bhawan, 1, Parliament Street, New Delhi2:National Highways and Infrastructure Development Corporation Limited
r/b Managing Director (Projec

3:General Nanager (Projects)
National Highways and Infrastructure Development Corporation Limited (P

4:Secretary to the Govt. of Mizoram

5:Deputy Commissioner

6:Addl. Deputy Commissioner

7:Divisional Forest Officer

8:Deputy Conservator of Forest (FC)
Environment
Forest and Climate Change

9:GVV Construction Pvt. Ltd
r/b the Manage

Advocate for the Petitioner : Mr. Joseph Lalchhanhima Renthlei

Advocate for the Respondent : Ms Zairemsangpuii, CGC for R1

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

27.07.2026

Heard Ms. Rosy Manlawmsangi, learned counsel for the petitioner. Also heard Ms. Zairemsangpuii, learned CGC appearing for the respondent No. 1, Ms. Zodinpuii Chhakchhuak, learned counsel appearing on behalf of Mr. Samuel Vanlalhriata Chhangte, learned counsel for the respondent Nos. 2 and 3 and Mrs. Caroline K. Lungawipuii, learned Govt. Advocate appearing for the respondent Nos. 4 to 8. The learned counsel for the respondent No. 9 is absent.

2. The petitioner's counsel submits that the petitioner is the owner of land covered by Periodic Patta No. 105401/10/180 of 2003. She submits that while part of the land covered by the respective said Periodic Patta had been acquired by the NHIDCL for construction of a road and compensation paid for the same, the NHIDCL and the contractor who is doing the road contract, has been dumping earth on the unacquired portion of the petitoner's land. The petitioner's counsel submits that the NHIDCL and the contractor (respondent

No. 9) should be directed to remove all the illegally dumped earth from the petitioner's unacquired portion of the land and to restore the land of the petitioner to its original form/condition. She alternatively submits that if the dumped earth is not removed, the respondent should be directed to make an assessment of the damages caused to the petitioner's land and pay the said amount to the petitioner.

3. Ms. Zairemsangpuii, learned CGC submits that she has no comments to make as she has not received any instructions in the matter.

4. Ms. Zodinpuii Chhakchhuak, learned counsel for the respondent Nos. 2 and 3 submits that the dumping of soil/earth on the petitioner's unacquired portion of the land, if found to be true, would only result in the liability of the respondent No. 9, inasmuch as, the NHIDCL is indemnified from any action taken by the respondent No. 9, as per the agreement made between the NHIDCL and the respondent No. 9.

5. Mrs. Caroline K. Lungawipuii, learned Govt. Advocate submits that pursuant to a joint verification report received from the Divisional Forest Officer, Aizawl Forest Division, the office of the Deputy Commissioner requested the respondent No. 3 to immediately stop the dumping of soil on the petitioner's land and as such, the State Government has got no liability towards the petitioner in this regard.

6. I have heard the learned counsels for the parties.

7. As can be seen from the affidavit filed by the State Government, the DFO, Aizawl Forest Division had written a Letter dated 01.09.2022 to the Deputy Commissioner, Aizawl with regard to the joint verification undertaken by the joint verification team, which showed that there was reckless disposal of earth from the road construction activity undertaken by the NHIDCL through its contractors. Accordingly, the report made by the verification team also stated that there was dumping of earth spoil in various locations and the concerned authority may be required to issue stay orders for barring dumping of earth spoils. Thereafter, the Additional Deputy Commissioner and CALA NH-06 issued a Letter dated 09.01.2023 to the respondent No. 3, informing him that soil dumping should be done only on designated spoil banks and dumping grounds, other than dumping on private lands.

8. The fact that the petitioner is before this Court shows that there is a possibility that dumping of earth spoils is going on, on the unacquired portion of land of the petitioner.

9. As such, this Court is of the view that a fresh verification should be conducted by a team consisting of a Surveyor of the Land, Revenue & Settlement Department, representatives of the NHIDCL, representative of the respondent No. 9 and the petitioner to verify whether earths spoil have been

dumped by the respondent No. 9 on the unacquired portion of the land of the petitioner covered by Periodic Patta No. 105401/10/180 of 2003. Depending upon the report made by the verification team, the NHIDCL and the concerned contractor would have to act upon the said report. In case of the dumped soil not being cleared by the above respondents, the petitioner may approach the learned Civil Court with his grievance. The Deputy Commissioner, Aizawl shall constitute the verification team to comply with the above directions within a week from the date of receipt of a copy of this order. The entire spot verification on the land of the petitioner should be done within a period of one (1) month and a copy of the verification report should be given to the petitioner.

10. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant