GAHC020000382024

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

Case No. : I.A.(Civil)/11/2024

MR. IMISENBA
S/O IMSUMEREN
R/O VILLAGE- MERANGKONG VILLAGE
P.O.- TULI, PIN- 798618
MOKOKCHUNG NAGALAND

VERSUS

THE UNION OF INDIA AND 8 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA
MINISTRY OF ROAD, TRANSPORT AND HIGHWAYS, NEW DELHI-110001

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
ROAD TRANSPORT AND HIGHWAYS DEPARTMENT
P.O. AND P.S. KOHIMA
KOHIMA NAGALAND

3:THE CHIEF ENGINEER
PWD (NATIONAL HIGHWAY)
KOHIMA NAGALAND

4:THE EXECUTIVE ENGINEER
PWD NATIONAL HIGHWAY DIVISION-II
MOKOKCHUNG
P.O. MOKOKCHUNG
NAGALAND

5:THE EXECUTIVE ENGINEER
PWD (R AND B)FEEDER ROADS DIVISION TULI NAGALAND
MOKOKCHUNG NAGALAND-798618

6:THE DEPUTY COMMISSIONER
MOKOKCHUNG NAGALAND

7:THE ADDITIONAL DEPUTY COMMISSIONER
TULI NAGALAND

8:THE SUB DIVISIONAL OFFICER
O/O THE DEPUTY COMMISIONER
MOKOKCHUNG NAGALAND

9:M/S KKB PROJECTS PVT. LTD
A 408-409
CITY CENTRE NR. RESHAM BHAVAN
LAL DARWAJA SURAT
GUJARA

Advocate for the Petitioner : K TSUKRU

Advocate for the Respondent : CGSC

Linked Case : WP(C)/236/2023

MR. IMISENBA
S/O IMSUMEREN
R/O MERANGKONG VILLAGE
P.O. TULI
PIN-798618
MOKOKCHUNG NAGALAND

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY
TO THE GOVT. OF INDIA
MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS- NEW DELHI- 110001

2:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF NAGALAND
ROAD TRANSPORT AND HIGHWAYS DEPARTMENT
P.O. AND P.S. KOHIMA
KOHIMA NAGALAND

3:THE CHIEF ENGINEER
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TULI NAGALAND

8:THE SUB DIVISIONAL OFFICER
O/O THE DEPUTY COMMISIONER
MOKOKCHUNG NAGALAND

Advocate for : K. TSUKRU
Advocate for : CGSC appearing for THE UNION OF INDIA AND 7 ORS

BEFORE
HON'BLE MR. JUSTICE BUDI HABUNG

ORDER

12.02.2024

Heard Ms. K. Tsukru, learned counsel for the applicant/petitioner, Mr. Z.N. Ngullie, learned CGC representing respondent No. 1 and Ms. Sepong Chang, learned Government Advocate representing respondent Nos. 2 to 8.

Learned counsel for the applicant submits that the State had proposed to construct/widen the NH-02 from 168.000 Km to 183.78 Km (Yisemyong to Unger) under EPC mode in the State of Nagaland. In the said proposed construction/widening of NH-02 road, the petitioner has land and houses located at NH-02 at 217 Km measuring 4 hectare, however, during widening of the National Highway the land and house of

the petitioner were not acquired though the land of the petitioner is only about 2 feet from the proposed construction/widening of NH-02. Being aggrieved by the non-acquisition of the petitioner's land and building and also for violation of guidelines under National Highways Act, 1956; the Land Acquisition Act, 1984 and also the Right to Fair Compensation and Transparency Act, 2013 the petitioner has filed the connected writ petition. However, in the meantime the petitioner came to know from the information furnished to him that M/S KKB Projects Pvt. Ltd. is the executing company of the construction of NH-02, and as such, the said Company is a necessary party and is required to be impleaded as respondent No. 9, and pray accordingly.

The learned CGC representing the respondent No. 1, Mr. Z.N. Ngullie, and Ms. Sepong Chang, learned Government Advocate for respondent Nos. 2 to 8 has no objection to the impleadment of respondent No. 9.

Accordingly, the prayer is allowed. "M/S KKB Projects Pvt. Ltd., A 408-09, City Centre, Nr. Resham Bhavan, Lal Darwaja, Surat," is impleaded as respondent No. 9 to the writ petition, WP(C)/236/2023.

The petitioner shall file recast petition impleading the respondent No. 9 within two (2) days.

In view of the above, this I.A. is allowed and stands disposed of.

Sd/-
JUDGE

Comparing Assistant