GAHC040006532026 2026:GAU-AP:1171-DB

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

Case No. : WA/29/2026

The State of AP and Anr
represented by the Commissioner (Land Management), Govt of Arunachal Pradesh.

2: The Deputy Commissioner cum Land Acquisition Collector
Age:
Occupation :
Anjaw District
Hawai
Arunachal Pradesh

VERSUS

Behenso Pul and 28 Ors
Son of Late Allokthak Pul, permanent resident of Changung Village, PO and PS Hawai, Anjaw District, Arunachal Pradesh.

2:Rahul Tulang
Age: 0
Occupation :
Son of Shri Tochanglum Tulang
permanent resident of Sarti Village
PO and PS Walong
Anjaw District
Arunachal Pradesh

3:Dechem Tulang
Age: 0
Occupation :
Son of Late T Tulang
permanent resident of Sarti Village
PO and PS Walong
Anjaw District
Arunachal Pradesh

4:Billu Tulang
Age: 0
Occupation :
Son of Sotilum Tulang
permanent resident of Sarti Village
PO and PS Walong
Anjaw District
Arunachal Pradesh

5:Vinod Tulang
Age: 0
Occupation :
Son of Shri M Tulang
permanent resident of Sarti Village
PO and PS Walong
Anjaw District
Arunachal Pradesh

6:Bagang Tulang
Age: 0
Occupation :
Son of Shri Lekham Tulang
permanent resident of Sarti Village
PO and PS Walong
Anjaw District
Arunachal Pradesh

7:Solum Tulang
Age: 0
Occupation :
Son of Shri N Tulang
permanent resident of Sarti Village
PO and PS Walong
Anjaw District
Arunachal Pradesh

8:Pilutso Pul
Age: 0
Occupation :
Son of Late K Pul
permanent resident of Changung Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

9:Nemoso Pul
Age: 0
Occupation :

permanent resident of Changung Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

10:Sosek Kri
Age: 0
Occupation :
Son of Late P Kri
permanent resident of Pangung Village
PO and PS Hayuliang
Anjaw District
Arunachal Pradesh

11:Bomsyanso Kri
Age: 0
Occupation :
Son of Late M Kri
permanent resident of Pangung Village
PO and PS Hayuliang
Anjaw District
Arunachal Pradesh

12:Arono Kri
Age: 0
Occupation :
Son of Late T Kri
permanent resident of Pangung Village
PO and PS Hayuliang
Anjaw District
Arunachal Pradesh

13:Sokhe Kri
Age: 0
Occupation :
Son of Late B Kri
permanent resident of Pangung Village
PO and PS Hayuliang
Anjaw District
Arunachal Pradesh

14:Apro Pul
Age: 0
Occupation :
Son of Late T Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District

Arunachal Pradesh

15:Ediso Pul
Age: 0
Occupation :
Son of Late J Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

16:Ssony Pul
Age: 0
Occupation :
Son of Late W Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

17:Sonam Pul
Age: 0
Occupation :
Son of Late T Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

18:Kariso Pul
Age: 0
Occupation :
Son of Shri Sopam Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

19:Halaiso Pul
Age: 0
Occupation :
Son of Late H Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

20:Joten Manyu

Age: 0
Occupation :
Son of Late S Manyu
permanent resident of Samdul Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

21:Lotoso Pul
Age: 0
Occupation :
Son of Late K Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

22:Sangalum Pul
Age: 0
Occupation :
Son of Late M Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

23:Lasum Pul
Age: 0
Occupation :
Son of Late K Pul
permanent resident of Walla Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

24:Bawiso Chaitom
Age: 0
Occupation :
Son of Late S Chaitom
permanent resident of Sung Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

25:Adipo Lap
Age: 0
Occupation :
Son of M Lap

permanent resident of Kamlat Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

26:Smti Bikromlu Pul
Age: 0
Occupation :
Daughter of Late Lugre Pul
permanent resident of Kamdi Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

27:Bakhroso Pul
Age: 0
Occupation :
Son of S Pul
permanent resident of Changung Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

28:Frobenso Mepong
Age: 0
Occupation :
Son of Late K Mepong
permanent resident of Changung Village
PO and PS Hawai
Anjaw District
Arunachal Pradesh

29:Aketo Pul
Age: 0
Occupation :
Son of S Pul
permanent resident of Changung Village
PO and PS Hawai
Anjaw District
Arunachal Prades

Advocate for the Petitioner : I Choudhary, Sr. Advocate, Nima Norbu

Advocate for the Respondent : Mindo Taso, Muchi Mele,K Bam,Idak Bam,Ligam Nochi

:::BEFORE:::

HONOURABLE MR. JUSTICE BUDI HABUNG
HONOURABLE MR. JUSTICE SANJEEV KUMAR SHARMA

Advocate for the Appellants	: Mr. Ninong Ratan, Addl. Advocate General Mr. M. Kato, DSGI, GA (AP)
Advocate for the respondents	: Mr. Rintu Saikia, Sr. Advocate (AP) assisted by Mr. Idak Bam
Date on which judgment is reserved	: 17.11.2026
Date of Hearing	: 17.11.2026
Date of Judgment and Order	: 19.11.2026
Whether the pronouncement is of the operative part of the judgment ?	: No
Whether the full judgment has been pronounced?	: Yes

JUDGMENT & ORDER (CAV)

(*S.K.Sharma, J*)

Heard Mr. N. Ratan, learned Additional Advocate General (AP) for the State-appellant, and Mr. R. Saikia, Learned Senior Advocate assisted by Mr. I. Bam, for respondents. Also heard Mr. M. Kato, learned DSGI.

1). This Writ Appeal is directed against the Judgment and Order dated 07.04.2026 in WPC No. 249 of 2024 passed by the learned Single Judge.

2). 29 numbers of petitioners (private respondents herein) had jointly filed the aforesaid Writ Petition under Article 226 of the Constitution of

India seeking quashment of the Notification No. LM-212/ACO/2021 dated 27.04.2021 issued under Section 10 of Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947 (hereinafter referred as to Jhum Land Regulation 1947) for acquisition of land for the proposed widening/improvement of existing road to NHDL specification of road in respect of Hayuliang-Changwinti between 45.05 Km to 50.820 Km and Changwinti-Walong-Namti from 00.00 Km to 54.450 Km under Anjaw district, Arunachal Pradesh.

3). Furthermore, challenge was also put to the award dated 15.03.2021 approved on 05.07.2021, whereby the land value was assessed at the rate of ₹ 11 only per square metre.

4). The Writ petitioners (private respondents) stated therein that, as per the facts projected, the petitioners are permanent residents of the locality and were affected by the widening and improvement of the existing road to NHDL specification in respect of Hayuliang-Changwinti from 45.05 Km to 50.820 Km and Changwinti-Walong-Namti from 00.00 Km to 54.450 Km in Anjaw District.

5). The writ petitioners (private respondents) also stated therein that, the rate proposed at ₹. 11 per square metre was absolutely meagre. The contention of the petitioners was that the applicable rates, as would appear from the relevant materials, were not taken into consideration, whereby the petitioners would be deprived of their legal entitlement. It was also contended by the petitioners that the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the Act of 2013) have not been followed and the respondents have relied upon a

notification of 2011, which would not have any relevance.

6). The learned Single Judge, after considering the rival submissions as well as the materials placed on record, held as follows:

> "*10.The Hon'ble Supreme Court in the case of Mihin Laling (supra), vide judgment dated 16.09.2025, has clearly laid down that the provisions of the Act of 2013 should be applied for assessing fair compensation. In the said case, the aspect of payment of solatium and interest has also been highlighted.*
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> *11. Section 24 of the Act, more specifically the proviso to Sub section (2), would show that compensation, even if assessed as per the earlier Act and has not been deposited shall be converted to compensation as per the Act of 2013. The intention of the legislation of 2013 is to ensure that fair and proper compensation is paid to the land affected persons and that nobody is deprived of their due entitlement. There are various other aspects in the Act of 2013, including solatium and interest, which would also have to form part of the Award, including those mentioned in Scheduled I of the Act.*
>
> *12. The determination of the rate of Rs. 11 per square metre prima facie appears to be absolutely on the lower side and cannot be treated as fair compensation, more so when the materials on record suggest that for adjoining areas, higher rates have been determined. Be that as it may, this Court is of the opinion that the entire assessment has to be done afresh by taking into consideration all the relevant factors, including the rates applied for acquisition of land in the adjoining areas, provided such acquisitions have been made during the contemporaneous period. It is also needless to state that all other provisions of 2013 Act, which have been incorporated for the benefits of the land affected persons are to be taken into consideration while assessing and determining the rate to be paid to the land affected persons.*
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> *13. The writ petition accordingly stands allowed by remanding the matter to the concerned Deputy Commissioner, Anjaw, to make a reassessment in the manner indicated above. Such process shall be undertaken and completed*

expeditiously and preferably within a period of three months from the date of receipt of a certified copy of this order.

14. It is needless to add that the petitioners or any other aggrieved party would still have the liberty to approach the appropriate forum if they are aggrieved by the award, in accordance with law."

7). Mr. Ratan, learned Additional Advocate General, though had initially submitted that the notification dated 26.11.2011 would govern the rate of compensation as the notification in respect of the land of the private respondents was issued in the year 2021 and the subsequent notification of the Government issuing/revising the rates of compensation came into force only in the year 2022, subsequently, however, came around to the view that in view of the decisions of the Apex Court governing the field, the compensation should be assessed on the basis of the rates prevailing at the time of the issuance of the notification, i.e. the year 2021.

8). Therefore, the submission of learned Additional Advocate General is in consonance with the directions issued by the impugned order of the learned Single Judge.

9). Mr. Saikia, learned Senior Counsel, has referred to the decision of the ***Apex Court in National Highways Authority of India Vs. P. Nagaraju Alias Cheluvaiah and Another, reported in (2022) 15 SCC 1,*** wherein it has been held as follows:

"*28. When land is acquired from a citizen, Articles 300-A and 31-A of the Constitution will have to be borne in mind since the deprivation of property should be with authority of law, after being duly compensated. Such law should provide for adequately compensating the landloser keeping in view the market value. Though each enactment may have a different procedure prescribed for the process of acquisition depending on the urgency, the method of*

determining the compensation cannot be different as the market value of the land and the hardship faced due to deprivation of the property would be the same irrespective of the Act under which it is acquired or the purpose for which it is acquired. In that light, if Section 28 of the RFCTLARR Act, 2013 is held not applicable in view of Section 3-J of the NH Act, the same will be violative of Article 14 of the Constitution. In that circumstance, the observation in Tarsem Singh² that b Section 3-J of the NH Act is unconstitutional to that extent though declared so while on the aspect of solatium and interest, it is held so on all aspects relating to determination of compensation."

10). Learned counsel has also submitted that there is no illegality in the impugned judgment and order, and no patent error is established on the face of the judgment or that it is contrary to law, and therefore, in an intra-court appeal such as the present one, there is no scope for interference. In this regard, learned senior counsel has referred to the decision of the Division Bench of this Court in ***Narendra Chandra Deka Vs. Kalyan Das and Others, reported in (2025) 8 GLT 1081***. It has been held as follows:

12. In the case of Tractor and Farm Equipment Lid Chennai Vs. Secretary to the Govt. of Assam, Department of Agriculture Guwahati & Ors. reported in (2004) 1 GLT 117, this Court has held in the context of Intra Court appeals under Article 226 of the Constitution of India that the judgment of the Single Judge should be set aside or quashed only when there is patent error on the face of the record or the judgment is against the established or well settled principle of law. Moreover, in the case of Rita Yorung Vs. State of Arunachal Pradesh reported in 2010 (2) GLT 276: (2010) 0 Supreme (Gau) 137, this Court has held that if two reasonable and logical views are possible, the view adopted by the Single Judge should normally be allowed to prevail. Paragraph 26 thereof is quoted below:-

"26. While dealing with the present appeal; one has to bear in mind that a writ appeal

is really not a statutory appeal preferred against the judgment and order of an inferior Court to the superior Court. The appeal inter se in a High Court from one Court to another is really an appeal from one coordinate Bench to another coordinate Bench and it is for this reason that a writ cannot be issued by one Bench of the High Court to another Bench of the High Court nor can even the Supreme Court issue writ to a High Court. Thus, unlike an appeal, in general, a writ appeal is an appeal on principle and that is why, unlike an appeal, in an ordinary sense, such as a criminal appeal, where the whole evidence on record is examined a, new by the appellate Court, what is really examined, in a writ appeal, is the legality and validity of the judgment and/or order of the Single Judge and it can be set aside or should be set aside only when there is a patent error on the face of the record or the judgment is against the established or settled principle o f law. It two views are possible and a view, which is reasonable and logical, has been adopted by a Single Judge, the other view, howsoever appealing such a view may be to the Division Bench, it is the view adopted by the single Judge, which should, normal ly, be allowed to prevail. Hence, the impugned judgment of the learned Single Judge cannot be completely ignored and this Court has to consider the judgment and order in its proper per spective and if this Bench, sitting as an appellate Bench, is of the view that the decision has been arrived at by the learned Single Judge without any material error of fact or law, then, the judgment, in question, should be allowed to prevail. The reference made, in this regard, by Mr. Dutta to the case of State of Tripura v. Ramendra Nath Dey, (2001) 1 GLR 54 is not misplaced."

13. In the case of Assam State Electricity Board Vs. Sri Surya Kanta Roy reported in (1994) 1 GLR 383, this Court has held that in writ appeal, the appellate court will not interfere with the discretion of the court of first instance and substitute its own discretion except where the discretion has been shown to have been exercised arbitrarily or capriciously or perversely or where the court has ignored the settled principles of law. It would also be appropriate to refer to the decision of the Supreme Court of India in the case of N. Ramachandra Reddy Vs. State of Telengana reported in (2020) 16 SCC 478: AIR 2019 SC 4182, that while considering Intra-Court appeal, unless the appellate Bench concludes that the findings of Single Judge is perverse, it shall not disturb the same. Hence, we find that the scope of interference in Intra-Court appeal under Article 226 of the Constitution of India is not so wide as when the first appellate court is deciding an appeal under section 96 of the Code of Civil Procedure, 1908."

11). Having regard to the law as discussed above and also the submissions of learned Additional Advocate General, and upon a consideration of the impugned judgment and order, we find no reason to interfere with the same.

12). Consequently, the writ appeal stands dismissed and the impugned judgment and directions contained therein stand affirmed.

JUDGE **JUDGE**

Comparing Assistant