GAHC040017992026

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

Case No. : WP(C)/530/2026

Bengia Taju
Son of Bengia Tanak, resident of Village Rerung, PO Sarli, PS Koloriang, Kurung Kumey District, Arunachal Pradesh.

VERSUS

The State of AP and 3 Ors
represented by the Secretary (Land Management, Govt of Arunachal Pradesh, Itanagar.

2:The Director Land Management
Age: 0
Occupation :
Govt of Arunachal Pradesh
Itanagar.

3:The Deputy Commissioner
Age: 0
Occupation :
Kurung Kumey District
Koloriang
Arunachal Pradesh.

4:The District Land Revenue Settlement Officer
Age: 0
Occupation :
Kurung Kumey District
Koloriang
Arunachal Pradesh

Advocate for the Petitioner : Neelam Taje, Bengia Papo

Advocate for the Respondent : GA (AP),

BEFORE
HONOURABLE MR. JUSTICE KARDAK ETE

ORDER

Date : 03-11-2026

Heard Mr. N. Taje, learned counsel for the petitioner. Also heard Mr. R.H. Nabam, learned Additional Advocate General, appearing for the State respondents.

2. Having regard to the nature of the grievance raised in this writ petition and as agreed to by the parties, the writ petition is taken up for disposal at the motion stage itself.

3. The petitioner claims to be in possession of ancestral land situated at Rerung Village, under Sarli Circle, Kurung Kumey District, Arunachal Pradesh, near the riverbank of the Purchi River. For construction of the Arunachal Frontier Highway from Lada in Bichom District to Sarli in Kurung Kumey District, the respondent authorities have undertaken land acquisition proceedings in respect of lands belonging to various individuals. The grievance of the petitioner is that although the proposed highway passes through his land, the respondent authorities have not initiated any land acquisition proceedings in respect of his land. Consequently, his name has not been included in the list of affected landowners whose lands have been acquired for the project and in respect of whom compensation has been assessed.

4. It is the case of the petitioner that despite repeated approaches, the respondent authorities have neither initiated acquisition proceedings in respect

of his land nor taken any steps towards payment of compensation, although the same is claimed to be affected by the construction of the Arunachal Frontier Highway. The petitioner claims that the lands of other similarly situated landowners have been acquired and compensation has consequently been paid to them. Being aggrieved by the inaction of the respondent authorities, the petitioner had earlier approached this Court by filing W.P.(C) No. 430(AP)/2025, which was disposed of by order dated 08.09.2025, granting liberty to the petitioner to approach the Collector with an application under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as the "Act of 2013"). The Collector was accordingly directed to proceed with the matter in terms of the further course of action prescribed under Section 64 of the Act of 2013.

5. Mr. N. Taje, learned counsel for the petitioner, submits that pursuant to the order dated 08.09.2025 passed by this Court, the petitioner submitted an application dated 09.09.2025 before the Deputy Commissioner, Kurung Kumey District, and another application dated 11.09.2025 before the Secretary, Land Management, Government of Arunachal Pradesh. However, the respondent authorities have not considered the applications submitted by the petitioner, thereby causing immense hardship to him, particularly when his land is claimed to be affected by the construction of the Arunachal Frontier Highway without following the due process of law. Learned counsel, therefore, submits that a direction may be issued to the respondent authorities to consider and dispose of the applications dated 09.09.2025 and 11.09.2025.

6. Mr. R.H. Nabam, learned Additional Advocate General for the State respondents, submits that since the land of the petitioner has not been acquired

for construction of the Arunachal Frontier Highway, there is no occasion for the petitioner to seek a reference under Section 64 of the Act of 2013. He submits that the remedy under the said provision is available to a person interested who has not accepted the award and raises an objection with regard to the measurement of the land, the amount of compensation, the person to whom compensation is payable, the rights to rehabilitation and resettlement, or the apportionment of compensation among the persons interested. The petitioner cannot claim to be a person interested for the purpose of seeking a reference under Section 64 of the Act of 2013, in view of the fact that his land has not been acquired under the said Act.

7. I have considered the submissions advanced by learned counsel for the parties and have perused the materials available on record.

8. The grievance of the petitioner, as projected before this Court, is that although his land situated at Rerung Village, under Sarli Circle, Kurung Kumey District, is affected by the construction of the Arunachal Frontier Highway, the respondent authorities have not initiated any acquisition proceedings in respect of the said land, whereas the lands of other similarly situated landowners have been acquired and compensation has been paid to them. This Court, in W.P.(C) No. 430(AP)/2025, having considered the nature of the grievance raised by the petitioner, disposed of the writ petition by order dated 08.09.2025. The relevant portion of the said order is extracted hereinbelow:

> "*...3. It is the case of the petitioner that he is in possession of his land situated in Rerung village under Tai Sarli Circle in the district of Kurung Kumey. It is the further case of the petitioner that the respondent authority concerned for construction of Arunachal Frontier Highway from Lada to Sarli, had acquired lands, but to the surprise of the petitioner, although his land is affected by the said construction of road, his name has not been included amongst the list of*

land owners who are to be affected and accordingly compensated for the same. The learned counsel for the petitioner submits that the Deputy Commissioner, Kurung Kumey, District-Koloriang had issued a Notice under Section 37(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act of 2013), wherein it was provided that an award has been prepared on 17.04.2025 and the parties concerned have been asked to inspect their award from 23.06.2025 to 24.06.2025 in the office of the ADC, Koloriang.

4. Learned counsel for the petitioner submits that since the name of the petitioner was not included in the said Notice, he submitted a representation before the District Land Revenue Settlement Officer, Kurung Kumey, District-Koloriang for re-verification or spot survey of the affected land of the petitioner on 28.06.2025. However, the same was not considered and therefore, the petitioner submitted a representation to the Deputy Commissioner, Koloriang on 30.06.2025, wherein the petitioner has also taken the stand that the receipt of the compensation has been manipulated by the respondent No.5, although he has already been compensated. The petitioner, therefore, prayed that the amount should not be released to the respondent No.5. A similar representation was also submitted by the petitioner before the District Land Revenue and Settlement Officer, Koloriang on 30.06.2025 and also before the Secretary, Land Management, Government of Arunachal Pradesh on 18.08.2025. Since the representations of the petitioner have not been considered by the respondent authorities concerned, the petitioner is before this Court.

5. At this stage, Mr. N. Ratan, learned Additional Advocate General, Arunachal Pradesh submits that taking into account the nature of the grievance and complaints submitted by the petitioner, the petitioner would have to approach the reference authority in terms of Section 64 of the Act of 2013. Referring to the said provision, the learned Additional Advocate General submits that the Collector upon receipt of such reference, would refer it to the authority concerned, which would include objection with regard to the measurement of the land, the amount of compensation, the persons to whom it is payable, the rights of rehabilitation and resettlement under Chapters V and VI or the apportionment of the compensation among the persons interested. He, therefore, submits that since a remedy is available under the Act of 2013, the petitioner has to exhaust the remedy available to him before coming to this Court.

6. Upon considering the submissions made by the learned counsel for the parties and upon perusal of the materials available on record, including the relevant provisions of the Act of 2013, it only appears that the petitioner can avail the remedy under Section 64 of the Act of 2013, provided that he comes

within the limitation prescribed. Section 64(2)(b) provides that the grounds taken in the application for objection of the award can be referred to the reference authority by the Collector, subject to the same having been filed within six months from the date of Collector's award.

7. Having regard to the Notice issued under Section 37(2) of the Act of 2013, wherein it has been provided that the award was prepared on 17.04.2025, there appears to be time for filing a reference application under Section 64 of the Act of 2013.

8. In view of the same, the petitioner is given liberty to approach the Collector concerned with an application under Section 64 of the Act of 2013, which in any away should be filed within a week from today. Upon receipt of the same, the Collector shall proceed with the matter in terms of the further cause of action provided by Section 64 of the Act of 2013.

9. With the above observations and direction, this writ petition stands disposed of."

9. A perusal of the aforesaid order reflects that the petitioner was granted liberty to approach the Collector by filing an application under Section 64 of the Act of 2013. Upon receipt of such application, the Collector was directed to proceed with the matter in terms of the further course of action prescribed under Section 64 of the Act of 2013.

10. Pursuant to the aforesaid order, the petitioner submitted applications dated 09.09.2025 and 11.09.2025 before the Deputy Commissioner, Kurung Kumey District, and the Secretary, Land Management, Government of Arunachal Pradesh, respectively. Although the petitioner has described the said applications as applications under Section 64 of the Act of 2013, on perusal of the same, it appears that the petitioner has essentially sought consideration of his claim for acquisition of his land and payment of compensation, rather than seeking a reference under the said provision.

11. Be that as it may, since the grievance of the petitioner is that his land,

situated at Rerung Village under Sarli Circle in Kurung Kumey District, is affected by the construction of the Arunachal Frontier Highway from Lada in Bichom District to Sarli in Kurung Kumey District, but has not been included in the acquisition proceedings, in my considered view, the claim of the petitioner would require consideration by the respondent authorities to ascertain whether his land is, in fact, affected by the construction of the Arunachal Frontier Highway. Thus, it would be appropriate to direct the respondent authorities to consider the application dated 09.09.2025 filed by the petitioner with regard to his claim for acquisition of his land and payment of compensation in respect thereof, on the ground that the said land is affected by the construction of the Arunachal Frontier Highway.

12. Accordingly, the Deputy Commissioner, Kurung Kumey District, is directed to consider and dispose of the application dated 09.09.2025 filed by the petitioner within a period of 15 (fifteen) days from the date of receipt of a certified copy of this order.

13. It is made clear that this Court has not expressed any opinion with regard to the right or entitlement of the petitioner to acquisition of his land or payment of compensation in respect thereof. The same shall be considered by the competent authority independently and in accordance with law.

14. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant