

GAHC010016462026



2026:GAU-AS:1756

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

Case No. : WP(C)/633/2026

SMTI KRISHNA LATA MEDHI
W/O SRI BIREN CHANDRA BEZ, RESIDENT OF MOUPIA APARTMENT,
GANESH MANDIR PATH, NEW GUWAHATI , PO NOONMATI, 781020, PS
NOONMATI, DIST KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE DEPARTMENT, DISPUR GUWAHATI 781006

2:THE DISTRICT COMMISSIONER

KAMRUP (METROPOLITAN) DISTRICT
LAND ACQUISITION BRANCH
HENGRABARI
GUWAHATI-781036
ASSAM

3:THE SUB-DIVISIONAL OFFICER (SADAR)

COMPETENT AUTHORITY FOR LAND ACQUISITION (CALA)
KAMRUP (METROPOLITAN) DISTRICT
HENGRABARI
GUWAHATI-781036
ASSAM

4:THE CIRCLE OFFICER

CHANDRAPUR REVENUE CIRCLE

KAMRUP (METRO)

PIN-781150
ASSAM

5:THE EXECUTIVE ENGINEER

PUBLIC WORKS DEPARTMENT (PWD)
MEDICAL COLLEGE AND HOSPITALS CONSTRUCTION DIVISION
GUWAHATI-781001
KAMRUP (METRO)
ASSAM.

6:THE NATIONAL HIGHWAYS AUTHORITY OF INDIA

NE REGION NEDFI HOUSE
4TH FLOOR
G.S. ROAD
GUWAHATI-781006
REPRESENTED BY ITS REGIONAL OFFICER (NE).

7:THE GOVERNMENT GAON BURA

VILL- THAKURKUCHI
P.O. CHANDRAPUR
P.S. PRAGJYOTISHPUR
KAMRUP (METRO)
ASSAM
PIN-781150

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

Advocates for the petitioner(s) : Mr. TR Sarma

Advocates for the respondent(s) : Mr. BJ Talukdar
Senior Advocate
Mr. J Handique
for the State respondents
Ms. PR Mahanta
for Revenue Deptt.
Mr. B Choudhury

For PWD

Ms. R Borah for NHAI

Date on which Judgment is reserved: NA

Date of Pronouncement of Judgment : **09.02.2026**

Whether the Pronouncement is of the : NA

Operative Part of the Judgment

Whether the Full Judgment has been : Yes

Pronounced

JUDGMENT & ORDER(ORAL)

Heard Mr. TR Sarma, the learned counsel appearing on behalf of the petitioner. Also heard Ms. PR Mahanta, the learned counsel who appears on behalf of respondent No.1; Mr. BJ Talukdar, the learned Senior Counsel assisted by Mr. J Handique, who appears on behalf of the respondent Nos. 2, 3, 4 & 7; Mr. B Choudhury, the learned counsel who appears on behalf of respondent No.5 and Ms. R Borah, the learned Standing Counsel, NHAI, who appears on behalf of the respondent No.6.

2. Taking into account the dispute raised herein, this Court takes up the instant writ petition for disposal at the motion stage itself.

3. The case of the petitioner herein is that the petitioner is the owner of a plot of land ad measuring 4 kathas, 5 lechas (out of 2 bighas 3 kathas, 2 lechas of land) covered by Dag No.38 of K.P. Patta No.62 at village Thakurkuchi under

Panbari Mouza, Chandrapur Revenue Circle which the petitioner had purchased vide a registered deed bearing Deed No.208 dated 05.12.2022.

4. It is the case of the petitioner that the petitioner's name has been recorded vide the order dated 27.03.2024 passed in Mutation Case No.216/2022-23 by the Assistant Settlement Officer, Chandrapur. The petitioner has also stated in the petition that after the retirement of the petitioner from service in the year 2023, he started construction of a residential house on the said plot of land and has almost constructed the ground floor of the proposed G+2 RCC building.

5. It is the further case of the petitioner that the entire plot of land purchased by the petitioner has been acquired by the respondent authorities for the benefit of the respondent No.6 in terms with the ***National Highway Act, 1956*** (for short, the 'Act of 1956').

6. It is seen from the records that two notices both dated 07.07.2025 have been issued to the petitioner. In one notice bearing No.K.R.A-02/2023/Part-I/1128 (21.858H)/2449-2519 whereby the zirat value has been assessed at Rs.30,01,696.00/- and in the second notice bearing the same number whereby the value of the land had been assessed at Rs.33,47,890.56/-. It is pertinent to note that in both the notices, the petitioner and another person namely Smti Ambika Deka have been mentioned.

7. The grievances of the petitioner herein is that while assessing the zirat value of the building so constructed by the petitioner, the competent authority

had not properly assessed the compensation. Under such circumstances, the petitioner has submitted a representation on 26.08.2025 to the Deputy Commissioner, Kamrup(M), Guwahati requesting for reassessment of the compensation value of the RCC building affected by Land Acquisition in connection with the land project "*Northern Bypass of Guwahati from Baihata Via Kuruwa, Chandrapur to Sonapur (Guwahati Ring Road) of 55.560 Km length*". Along with the said representation so submitted on 26.08.2025, the petitioner also enclosed a copy of the Engineer's report on building evaluation. The copies of the said representations were also forwarded to the Sub-Divisional Officer (Sadar) i.e. the competent authority for Land Acquisition in respect to the project as well as the Land Acquisition Officer.

8. It is the further case of the petitioner that the Additional District Commissioner-cum-CALA, Kamrup(M) Guwahati had vide communication dated 23.12.2025 asked the respondent No.4 to conduct a joint verification with the concerned PWD Department in presence of the petitioner/interested persons and submit a report in detail for taking follow up actions. It is, therefore, the case of the petitioner that the said aspect has not been carried out, but steps are being taken to take over possession and it is under such circumstances that the petitioner has approached this Court.

9. This Court has heard the learned counsels appearing on behalf of the parties and has perused the materials on record.

10. Taking into account that the acquisition is being carried out under the Act

of 1956 by virtue of Section 3D of the Act of 1956 upon issuance of the Notification, by operation of law, the land vests upon the Central Government. Under such circumstances, as by operation of law, the land as well as the building of the petitioners standing thereon had already vested upon the Central Government, it would not be in the interest of this Court to stall taking over of possession.

11. Be that as it may, it is the claim of the petitioner that the zirat value in respect to the building has not been properly assessed. It is also seen that the Competent Authority of Land Acquisition had also asked the respondent No.4 to carry out a joint verification. It would be in the interest of justice that the respondent No.4 along with the PWD authorities carries out the joint verification of the building constructed by the petitioner before taking over of possession.

12. Accordingly, the instant writ petition, therefore, stands disposed of with the following observations and directions:

(i). The respondent No.4 is directed to carry out a joint verification with the PWD Officials of the building of the petitioner with due information to the petitioner and thereupon prepare the necessary inspection report for the purpose of reassessing the compensation by the Competent Authority of Land Acquisition.

(ii). This Court observes and directs that in the circumstance, possession had already been taken over prior to the joint verification is carried out and the building is demolished, inspite of the directions issued by the Competent Authority for Land Acquisition dated 23.12.2025, the respondent authorities

would be bound by the measurement of the building of the petitioner as per the valuation report so submitted by the petitioner along with the representation submitted on 26.08.2025.

(iii). It is further observed for the sake of clarity that in the circumstance, prior to the instant order being passed, the physical possession had already been taken and the building of the petitioner is demolished, the observation so made at Clause (i) hereinabove shall not apply.

(iv). The petitioner, however, shall be at liberty to seek for enhancement of the compensation as per the applicable provisions of law on the basis of the evidence available with the petitioner.

JUDGE

Shivani Gautam Digitally signed by Shivani Gautam
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Comparing Assistant