GAHC030006832026

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

Case No. : WP(C)/137/2026

Sh. Haulamkhupa
S/o Vumngaihthanga
R/o Kanan Veng, Champhai, Mizoram - 796321

VERSUS

Union of India and 6 Ors.
R/b the Secretary, Ministry of Road Transport and Highway, Transport Bhawan, Parliament Street, New Delhi - 110001 2:The State of Mizoram

3:The Director

4:The Settlement Officer

5:The Competent Authority for Land Acquisition

6:The National Highways and Infrastructure Development Corporation Limited (NHIDCL)

7:The Regional Manage

Advocate for the Petitioner : Mrs. H Lalmalsawmi

Advocate for the Respondent : Ms Zairemsangpuii, CGC for R 1

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER

Date : 13-10-2026

Heard Ms. H. Lalmalsawmi, learned counsel for the petitioner. Also heard Mr. Lianhmingthanga appearing on behalf of Ms. Zairemsangpuii, learned CGC for the respondent No. 1 and Ms. Mary L. Khiangte, learned Government Advocate appearing for respondent Nos. 2 to 4, as well as Mr. Philip Vanmalsawma appearing on behalf of Mr. Samuel Vanlalhriata Chhangte, learned Standing Counsel for respondent Nos. 6 & 7.

2. The petitioner's case is that he is the owner of land covered by Periodic Patta No. 307702/10/336 of 2014, which he inherited vide Heirship Certificate Application No. 45/2023, issued by the learned Civil Judge, District Champhai.

3. The Competent Authority for Land Acquisition & Addl. Deputy Commissioner, Champhai District, thereafter, issued an order under Section 3G and 3H of the National Highways Act, 1956, for acquisition of land, for development of National Highway No. 6, stretch 130 km to 147.25 km, (DC Office, Champhai District) Village Chhungte, Tehsil Champhai, District Champhai, State Mizoram. By the said order, the market value for the stretch of land required for development of the National Highway was fixed and it had asked interested parties/land owners to give their details with respect to the said land.

4. The petitioner's case is that though the petitioner submitted his claim for payment of compensation, on account of his land falling within the stretch of land which was to be acquired, the Competent Authority did not consider the

petitioner's claim for payment of compensation, and accordingly, his name was not included in the list of persons to whom compensation was to be paid.

5. The petitioner's counsel submits that, in view of the respondents not considering the claim of the petitioner for payment of compensation, despite his land being acquired by the authorities, he approached the Civil Court by way of Civil Suit No. 19/2023. However, the said Civil Court dismissed the suit on the ground of lack of jurisdiction, holding that the statutory scheme governing the process of land acquisition and compensation was a self-contained code, and as the petitioner had already filed an application under Section 3H (4) r/w Section 3H (3) of the National Highways Act, 1956, seeking compensation by way of the Civil Court was not proper.

6. The petitioner's counsel submits that the petitioner had submitted an application under Section 3H (3) and 3H (4) of the National Highways Act, 1956 before the Competent Authority (respondent No. 5) on 06.05.2026. However, no action has been taken upon the respondent No. 5 in respect of the petitioner's application. He accordingly prays that a direction should be issued to the respondent No. 5 to consider and dispose of the petitioners' representation/application made under Section 3H (3) and 3H (4) of the National Highways Act.

7. The counsels for the respondents submit that they have got no objection to the prayer made by the petitioner’s counsel.

8. On considering the fact that the issue that is sought to be raised by the petitioner is a factual issue, which cannot be determined in this Writ Court, and as there is a statutory authority constituted under the National Highways Act, to

decide such factual issues, I am of the view that the Competent Authority (respondent No. 5) should decide the petitioner's application made under Section 3H (3) and 3H (4) of the Act within a specific time period. However, as some time has apparently elapsed from the date of initial submission of the petitioner's earlier representation/application, the petitioner is given the liberty to file a fresh application/representation under Section 3H (3) and 3H (4) of the Act to the respondent No. 5 within a period of 10 days from today. The respondent No. 5 shall thereafter take a decision on the said application/representation, as it deems fit and proper, within a further period of 1 (one) month from the date of receipt of the petitioner's application/representation. The decision taken shall thereafter be communicated to the petitioner.

9. The writ petition is accordingly disposed of.

JUDGE

Comparing Assistant