

GAHC010009582026



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

Case No. : I.A.(Civil)/131/2026

SHANTANU DAS
S/O LATE AMARENDU DAS VILLAGE-KASHIPUR PART-I,P.O.-KASHIPUR,
P.S.-SILCHAR SADAR,DISTRICT-CACHAR, ASSAM.

2: NIJAM UDDIN LASKAR
S/O LT ALI RAJA LASKAR VILL RONGPUR PART 1 PO RAONGPUR PS
SILCHAR SADAR DIST CACHAR ASSAM

3: SALIM UDDIN LASKAR
S/O LT ABRU MIA LASKAR VILL RONGPUR PART 1 PO RONGPUR PS
SILCHAR SADAR DIST CACHAR ASSAM

4: REXONA BEGUM CHOUDHURY
W/O SAMINUL ISLAM CHOUDHURY VILL RONGPUR PART 1 PO NUTAN
DAYAPUR PS SILCHAR DIST CACHAR ASSAM

5: SAMINUL ISLA MAZUMDAR
S/O LT HAZI BASIR UDDIN MAZUMDAR VIL RONGPUR PART 1 PO NUTUN
DAYAPUR PS SILCHAR DIST CACHAR ASSAM

6: NAZRUL HUSSAIN LASKAR
S/O LT ALI RAJA LASKAR VIL RONGPUR PART 1 PO NUTUN DAYAPUR PS
SILCHAR DIST CACHAR ASSAM

7: AYOJ ALI BARBHUIYA
S/O LT TAJMUL ALI BARBHUIYA VIL AND PO NUTUN DAYAPUR PS
SILCHAR DIST CACHAR ASSAM

8: IKBAL HUSSAIN LASKAR
S/O LATE RAMIZUDDIN LASKAR
VILLAGE-KASHIPUR PART-I

P.O.-KASHIPUR
P.S.-SILCHAR

DISTRICT-CACHAR
ASSAM

9: BILAL AHMED MAZUMDAR
S/O ABDUL KUDDUS MAZUMDAR
VILLAGE-RONGPUR PART-I

P.O.-NUTAN DAYAPUR

P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM.

10: ANSER HUSSAIN MAZUMDAR
S/O NIZAMUDDIN MAZUMDAR
VILLAGE-RONGPUR PART-I

P.O.-RONGPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM.

11: KALAM HUSSAIN LASKAR
S/O LATE ASAM UDDIN LASKAR
VILLAGE AND P.O.-NUTAN DAYAPUR

P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

12: RAIM UDDIN LASKAR
S/O SONA MIA LASKAR
VILLAGE-KASHIPUR PART-II

P.O.-KASHIPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

13: NURUL HUSSAIN LASKAR
S/O MASAID ALI LASKAR
VILLAGE-KASHIPUR PART-II

P.O.-KASHIPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

14: SABANA BEGUM BARBHUIYA
D/O ABDUL MANNAN BARBHUIYA
VILLAGE-RONGPUR PART-I

P.O.-RONGPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

15: SARIF UDDIN MAZUMDAR
S/O LATE NUR UDDIN MAZUMDAR
VILLAGE-KASHIPUR PART-II

P.O.-KASHIPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM.

16: IMRAN HUSSIAN MAZUMDAR
S/O NIZAM UDDIN MAZUMDAR
VILLAGE-RONGPUR PART-I

P.O.-RONGPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

17: BAHARUL AHMED MAZUMDAR
S/O MOIN UDDIN MAZUMDAR
VILLAGE-RONGPUR PART-I

P.O.-RONGPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

18: RAKHEE BEGUM CHOUDHURY
W/O NAZRUL ALAM MAZUMDAR
VILLAGE AND P.O.-BERENGA PART-II

P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

19: IBJARUL AHMED MAZUMDAR
S/O MOIN UDDIN MAZUMDAR
VILLAGE-RONGPUR PART-I

P.O.-ARKATIPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

20: PIKLUK UDDIN MAZUMDAR
S/O RAHIM UDDIN MAZUMDAR
VILLAGE-RONGPUR PART-I

P.O.-RONGPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

21: F SURACHANDRA SINGHA
S/O LATE KRISHNA MOHAN SINGHA
VILLAGE-NUTAN DAYAPUR

P.O.-ARKATIPUR
P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

22: ATAUR RAHMAN BARBHUIYA
S/O ABDUL KHALIQUE BARBHUIYA
VILLAGE AND P.O.-NUTAN DAYAPUR

P.S.-UDHARBONDH
DISTRICT-CACHAR
ASSAM.

23: HALIMA BEGUM MAZUMDAR
W/O IMRAN HUSSAIN MAZUMDAR
VILLAGE-RONGPUR PART-I

P.O.-NUTAN DAYAPUR

P.S.-SILCHAR
DISTRICT-CACHAR
ASSAM

24: RAJARSHI BHATTACHARJEE
S/O LATE RAMKRISHNA BHATTACHARJEE
VILLAGE-SATSANG ASHRAM ROAD

P.O.-VIBAKANANDA ROAD

P.S.-SILCHAR

DISTRICT-CACHAR
ASSA

VERSUS

THE UNION OF INDIA,
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY OF
ROAD TRANSPORT HIGHWAYS, TRANSPORT BHAWAN-1,
PARLIAMENT STREET, NEW DELHI-110001.

2: THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GHY-6.

3: THE DISTRICT COMMISSIONER AND COMPETENT AUTHORITY OF LAND
ACQUISITION CACHAR SILCHAR
SILCHAR

4: THE CO DISTRICT COMMISSIONER AND COMPETENT AUTHORITY OF
LAND ACQUISITION CACHAR
CACHAR

5: THE NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPEMENT
CORPORATION LTD (NHIDCL)
REPRESENTED BY THE DEPUTY GENERAL MANAGER
NHIDCL
CACHAR
SILCHAR

6: THE SUPERINTENDING ENGINEER
PWD BUILDING
CACHAR
SILCHAR

7: THE EXECUTIVE ENGINEER
PWD
BUILDING DIVISION
UDHARBOND
LAKHIPUR
BORKHOLA AND KATIGORAH BUILDING DIVISION
CACHAR
SILCHA

Advocate for the Petitioner : MR F U BARBHUIYA, MS S DAS

Advocate for the Respondent : DY.S.G.I., SC. REVENUE,GA, ASSAM,SC, PWD,SC, NHIDC

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

22.01.2026

Heard Mr. HRA Choudhury, learned Senior Counsel Assisted by Mr. FU Barbhuiya, learned counsel for the applicants/petitioners. Mr. RK Talukdar, learned Standing Counsel, NHIDCL, for the opposite parties no. 1 & 5, Mr. J Handique, learned State Counsel, Assam, for the opposite parties nos. 3 & 4 and Ms. PR Mahanta, learned Standing Counsel, Revenue and Disaster management Department for the opposite party no.2 and Ms. M Das, learned Standing Counsel, PWD, for the opposite parties no. 6 & 7.

The applicants/petitioners claim to be tenants and running their shops on their respective plot of lands.

The grievance of the applicants/petitioners is that during the process of acquisition the portion of land on which their shops were established have also been acquired and the shops had been damaged, however, the compensation payable to the petitioners as users of the land has not been granted. Learned Senior Counsel for the applicants/petitioners referring to Section 3G (2) of the

National High Way Act, 1956 submits that under the provisions of the said Act, there is entitlement of adequate compensation to be paid to such person whose right of enjoyment of the land has been affected in any manner. The writ petitioners are affected by the process of acquisition regarding their right of enjoyment of that land and therefore, by the instant Interlocutory Application, they have prayed for directions to the respondents to consider their claims for payment of adequate compensations.

Mr. RK Talukdar, learned Standing Counsel for the NHAI submits that the constructions have already been undertaken with effect from 13.12.2024 after publication of the notification. He, however, submits that he would like to complete his instructions on the averments made in the Interlocutory Application. Learned State Counsel representing the other Department also permitted time to obtain instructions in the matter.

Having heard the learned counsel for the parties and upon perusal of the averments made in the Interlocutory Application, as also the provisions of the National High Way Act, 1956, it is seen that the power to take the possession is vested on the National Highway Authority under Section 3E of the Act. However, the persons whose lands have been acquired and get effected in any manner are also required to be compensated as per prescription of Section 3G (2) of the

Act. The procedure prescribed is laid down under Section 3G within (3) of the Act.

Under such circumstances, while permitting the respondents authorities to complete their instructions, let notice be issued, returnable by 2 (two) weeks.

Since all the opposite parties/respondents are represented by their respective counsel, notices are waived. However, extra copies be furnished to them within a period of 1 (one) week from today.

Pendency of the Interlocutory Application shall not be a bar to the Authorities to process the claims of the applicants/petitioners as per the provision of the National High Way Act, 1956.

Let the matter be listed after 2 (two) weeks.

JUDGE

Comparing Assistant