

GAHC010013132026



2026:GAU-AS:2447

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

Case No. : WP(C)/832/2026

SRI MUZID ALI
S/O- LATE ABDUL RAHIM,
R/O- VILL.- JAPIHOJIA, P.O.- RAJMAI, P.S. -DEMOW, DIST.- SIVASAGAR,
ASSAM, PIN- 785672.

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF INDIA, MINISTRY
OF ROAD TRANSPORT AND HIGHWAYS, TRANSPORT BHAWAN, 1,
PARLIAMENT STREET, NEW DELHI -1.

2:THE NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION
REPRESENTED BY ITS MANAGING DIRECTOR
1ST AND 2ND FLOOR
TOWER A
WORLD TRADE CENTRE
NAUROJI NAGAR
NEW DELHI-110029.

3:THE DISTRICT COMMISSIONER
SIVSAGAR
ASSAM.

4:THE ADDITIONAL DISTRICT COMMISSIONER CUM COMPETENT
AUTHORITY
UNDER THE NATIONAL HIGHWAY ACT
1956
SIVASAGAR
ASSAM.

5:THE EXECUTIVE ENGINEER
SIVASAGAR DISTRICT TERRITORIAL BUILDING DIVISION
PUBLIC WORKS DEPARTMENT
SIVASAGAR
ASSAM.

6:THE ASSISTANT EXECUTIVE ENGINEER
SIVASAGAR DISTRICT TERRITORIAL BUILDING DIVISION
PUBLIC WORKS DEPARTMENT
SIVASAGAR
ASSAM

For the Petitioner(s) : Mr. S. Dey, Advocate

For the Respondent(s) : Ms. A. Gayan, CGC
Mr. S.S. Roy, Govt. Advocate
Mr. B. Choudhury, Standing Counsel
Mr. R.K. Talukdar, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 18.02.2026

Heard Mr. S. Dey, the learned counsel appearing on behalf of the petitioner. Ms. A. Gayan, the learned CGC appears on behalf of the respondent No. 1; Mr. R.K. Talukdar, the learned Standing Counsel appears on behalf of the respondent No. 2; Mr. S.S. Roy, the learned Government Advocate appears on behalf of the respondent Nos. 3 and 4 and Mr. B. Choudhury, the learned

Standing Counsel appears on behalf of the respondent Nos. 5 and 6.

2. The present writ petition has been filed by the petitioner being aggrieved by the inaction on the part of the Competent Authority in not making a reference in terms with Section 3G(5) of the National Highways Act, 1956.

3. It is the case of the petitioner that pursuant to a proceeding initiated for land acquisition under the National Highways Act, 1956, a portion of the petitioner's land covered by Dag No. 697 of Periodic Patta No. 233 at Village Japihojia under Thowra Mouza, Demow Revenue Circle in the district of Sivasagar was acquired. It is the further case of the petitioner that an amount of Rs. 6,33,734/- has been determined as compensation payable by the Competent Authority. It is also the case of the petitioner that the loss and damage to the RCC building has not been properly determined. It is under such circumstances, the petitioner being aggrieved had submitted an application on 14.10.2025. However, the records do not reveal that the said application was received or served upon the Competent Authority.

4. On the other hand, Mr. S. Dey, the learned counsel appearing on behalf of the petitioner submitted that in addition

to the said application filed on 14.10.2025, the petitioner also submitted another representation to the Deputy Commissioner, Sivasagar on 30.09.2024.

5. It is the opinion of this Court that in view of Section 3(a) of the National Highways Act, 1956, the Competent Authority is notified by the Central Government. Any application seeking reference under Section 3G(5) of the National Highways Act, 1956 has to be filed only before the Competent Authority for land acquisition and not before the District Commissioner, Sivasagar.

6. Taking into account that there is no receipt of the application dated 14.10.2025 filed by the petitioner showing that the petitioner has served such application to the Competent Authority, this Court is not inclined to entertain the instant writ petition.

7. Accordingly, the instant writ petition stands dismissed.

8. Liberty, however, is given to the petitioner to submit an application within 15 days from today, if the petitioner is aggrieved by the inadequacy of the compensation under Section 3G(5) of the National Highways Act, 1956, before the Competent Authority for land acquisition.

9. It is further observed that in the circumstance such

application is filed, the Competent Authority for land acquisition would be required to make a reference before the Arbitrator, as mandated under the National Highways Act, 1956.

JUDGE

Comparing Assistant