

GAHC010013792017



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

Case No. : WP(C)/1068/2017

GHANASHYAM CHETRY
S/O LT. TIKA RAM CHETRY, R/O LANKA TOWN, W/O NO.8, MOUZA, P.O. and
P.S. LANKA, DIST- HOJAI, ASSAM, PIN-782446

VERSUS

NATIONAL HIGHWAY AUTHORITY OF INDIA and 4 ORS.
REP. BY THE CHAIRMAN, G 5 and 6, SECTOR 10, DWARKA, NEW DELHI-75

2:THE COMMISSIONER
NORTH ASSAM DIVISION
TEZPUR AND ARBITRATOR
N.H. -4 LANE OF NAGAON AND MORIGAON DISTRICT
TEZPUR
DIST- SONITPUR
ASSAM
PIN-784001

3:THE COLLECTOR CUM DY. COMMISSIONER
NAGAON
DIST- NAGAON
ASSAM
PIN-782001

4:THE ADDL. DY. COMMISSIONER L.A.
NAGAON
DIST- NAGAON
ASSAM
PIN-782001

5:THE DY. COMMISSIONER
HOJAI
DIST- HOJAI

ASSAM
PIN-78243

Advocate for the Petitioner : MRM R ADHIKARI, MR.P N SHARMA

Advocate for the Respondent : GA, ASSAM, MR.R BORAH,SC, NHAI,MR.D DEKA(R-1),MRP KUMAR(R-1)

BEFORE
HON'BLE MR. JUSTICE RAJESH MAZUMDAR
ORDER

06.11.2025

Heard Mr R P Sarmah, learned Senior Counsel, assisted by Ms M Borah, learned counsel appearing for the petitioner. Also heard Ms R Bora, learned Standing Counsel appearing for the NHAI. Also heard Mr N Das, learned counsel for the respondent Nos. 2, 3, 4 and 5.

2. This writ petition has been preferred for directions to the respondents to release compensation amounting to Rs. 14 lacs approximately, as awarded by the respondent No. 2, vide order dated 25.09.2008 in Case No. 4 of 2008 @ Rs. 15 lacs per Bigha, along with interest accrued thereon. Today, when the matter was taken up and parties were heard to some extent, it is seen that the order dated 25.09.2008, passed by the Commissioner, North Assam Division, was an interim order, which had reflected that the order will not affect the final arbitration judgment in any way. The NHAI had preferred an appeal against the order dated 25.09.2008, which resulted in the Judgment dated 19.04.2012, to be passed by the Court of District Judge at Nagaon, Assam.

3. In the year 2015, as pointed out by Ms R Borah, learned counsel for the NHAI, the Deputy Commissioner had made payments in the name of the petitioner as compensation with regard to Land Acquisition Case No. 53 of 2006. Unfortunately, though the case has been pending since 2017, none of the parties had brought on record,

the orders or proceedings that have taken place in Land Acquisition Case No. 53 of 2006. In the opinion of this Court, the finalization of the Land Acquisition Case No. 53 of 2006 would have substantial relevance to the claim of the petitioner, which is against an interim assessment and compensation award.

4. Mr N Das, learned counsel appearing for the respondent Nos. 2, 3, 4 and 5, prays for a short accommodation, as does, Ms R Borah, learned counsel appearing for the respondent No. 1, to have instructions from the respective authorities as to the fate of the Land Acquisition Case No. 53 of 2006.

5. Allowing such accommodation, list this case again in the **second week of December, 2025**, on a date to be fixed by the Registry, for further hearing, by which time, appropriate instructions will be made available to this Court, failing which, the concerned incumbents holding the respective posts as respondents shall remain present before this Court.

6. Ms M Bora, learned counsel appearing for the petitioner and assisting Mr R P Sarmah, the learned Senior Counsel shall also make attempts to have their instructions in the matter.

7. It has been submitted by the learned counsel appearing for the parties that complete set of the affidavit-in-opposition filed on behalf of the NHAI is not available with them.

8. The learned counsel for the respondent No. 1 shall obtain certified copies of the affidavit filed on behalf of the NHAI and would supply such copies to the counsels appearing for all the other parties in the matter, within 3 (three) working days.

9. List accordingly.

JUDGE

Comparing Assistant