

GAHC010022272026



2026:GAU-AS:2444

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

Case No. : WP(C)/886/2026

BABUL UDDIN MAZUMDER AND ANR
S/O- LATE BABUR ALI MAZUMDER AND LATE AYESHA BEGUM
MAZUMDER, R/O- UTTAR KRISHNAPUR PART-III PARGONA BARAKPAR,
P.O AND P.S - SILCHAR, DISTRICT- CACHAR, ASSAM.

2: SHIBAJUL HAQUE MAZUMDER
S/O- LATE AFTAB UDDIN MAZUMDER AND LATE AYESHA BEGUM
MAZUMDER
R/O- UTTAR KRISHNAPUR PART-III PARGONA BARAKPAR
P.O AND P.S - SILCHAR
DISTRICT- CACHAR
ASSAM. BEING REPRESENTED BY PETITIONER NO. 1 ON THE BASIS OF
POWER OF ATTORNE

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF
ASSAM, DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT,
DISPUR, GUWAHATI-6

2:THE DISTRICT COMMISSIONER
CACHAR
SILCHAR
ASSAM

3:THE ADDITIONAL DISTRICT COMMISSIONER
I/C LAND ACQUISITION BRANCH
CACHAR
SILCHAR
ASSAM.

4:THE CIRCLE OFFICER
SILCHAR

SADAR

5:JAKIR HUSSAIN MAZUMDER
S/O LATE MAKBUL ALI MAZUMDER
R/O- UTTAR KRISHNAPUR
PART-III PARGONA - BARAKPAR
P.O AND P.S- SILCHAR
DISTRICT- CACHAR
ASSAM.

6:SAKIR HUSSAIN MAZUMDER
S/O LATE MAKBUL ALI MAZUMDER
R/O- UTTAR KRISHNAPUR
PART-III PARGONA - BARAKPAR
P.O AND P.S- SILCHAR
DISTRICT- CACHAR
ASSAM

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

For the Respondent(s) : Mr. B. Gogoi, Addl. AG, Assam
: Ms. N. Bordoloi, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 18.02.2026

Heard Mr. S. P. Choudhury, the learned counsel appearing on behalf of the Petitioners and Ms. N. Bordoloi, the learned Standing counsel appearing on behalf of the Respondent No.1. I have also heard Mr. B. Gogoi, the learned Additional Advocate General, Assam appearing on behalf of the Respondent Nos. 2, 3 and 4.

2. Taking into account the order which this Court proposes to

pass, this Court dispenses with the notice upon the Respondent Nos. 5 and 6.

3. The Petitioners herein are aggrieved by the proposed action on the part of the Respondent No.3 to provide the Zirat compensation to the Respondent Nos. 5 and 6 and as such, the Petitioners have approached this Court.

4. This Court enquired with the learned counsel for the Petitioners as to under what provisions, the land has been acquired. The learned counsel submits that he is not aware under what provisions, the land was acquired taking into account that the order dated 16.07.2025 mentions that the land was acquired under the Assam Mala Programme.

5. This Court during the course of hearing enquired with Mr. B. Gogoi, the learned Additional Advocate General as to under what statutory provision of law, the Assam Mala Programme is being made by the State Government. The learned Additional Advocate General had placed before this Court the notification dated 20.01.2021 by which the Governor of Assam was pleased to order land acquisition through direct purchase by way of negotiated settlement for improvement and upgradation of State Highways and major district roads under the Assam Mala Programme and externally aided projects.

6. The Annexure-1 to the said notification reveals that the Assam Mala Programme has its roots embedded in Section 46 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short 'the Act of 2013'). Under such circumstances, the Statutory Provision under which the acquisition is being carried out is under the Act of 2013.

7. Section 64 of the Act of 2013 permits a person aggrieved to file an application before the District Commissioner if he/she is aggrieved by the inadequacy of compensation determined or as entitlement of the compensation or the apportionment of the compensation thereof.

8. This Court further takes note of that on 16.01.2026, the Petitioners as well as the Respondent Nos. 5 and 6 were called by the Additional District Commissioner, In-charge, Land Acquisition Branch for a hearing on the question of entitlement. The said notice dated 16.01.2026 apparently shows that the Respondent Authorities is yet to decide as to who would be entitled to compensation and how much. Under such circumstances, it is therefore the opinion of this Court that the present writ petition is not a fit case for being entertained at this stage taking into account that the land acquiring authorities is yet to decide on the entitlement of the compensation.

9. Accordingly, this Court therefore closes the instant writ petition with a liberty to the Petitioners to take steps in terms with Section 64 of the Act of 2013 if so aggrieved by any decision taken by the Respondent Authorities in deciding the entitlement or apportionment to the compensation.

JUDGE

Comparing Assistant