

GAHC010027002026



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

Case No. : WP(C)/1107/2026

SMT DWIPANWITA DAS NEOG
W/O- SHRI JAYANTA NEOG, RESIDENT OF KHANAMUKH CHECK GATE,
BOKULNAGAR, WEST JALUKBARI, GUWAHATI- 781013, ASSAM, MOBILE
PHONE NO.- 9435042452

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR, GUWAHATI -781036, ASSAM.

2:THE DISTRICT COMMISSIONER
KAMRUP (METRO) DISTRICT
HENGRABARI
GUWAHATI- 781006
ASSAM

3:CIRCLE OFFICER
AZARA REVENUE CIRCLE
AZARA, P.O. AND P.S.- AZARA
GUWAHATI,
DISTRICT- KAMRUP (METRO)
PIN CODE- 78101

Advocate for the Petitioner : MR. U K GOSWAMI,

Advocate for the Respondent : GA, ASSAM, SC, REVENUE AND DISASTER MANAGEMENT
DEPT

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

27.02.2026

Heard Shri U. K. Goswami, learned counsel for the petitioner. Also heard Shri H. Sarmah, learned Addl. Senior Govt. Advocate and Ms. P. R. Mahanta, learned Standing Counsel, Revenue Department.

2. The instant writ petition has been filed with the following relief:-

” In the premises aforesaid, it is most respectfully prayed that Your Lordships may be pleased to admit this petition, issue Rule, calling upon the Respondent authorities to show cause as to why the writ, order or direction, as prayed for shall not be issued and upon hearing the parties on the cause or causes that may be shown and on perusal of the records be pleased to direct the Respondents authorities to issue necessary order for re-assessment of compensation amount of the petitioner's plot of land by taking into consideration of existing market value of the said plot of land and interfere with the impugned process of land acquisition, and upon cause/causes that may be shown, after hearing the parties and upon perusal of the records be pleased to make the Rule absolute and/or to pass such further or other order(s) as to Your Lordships may deem fit and proper in the facts and circumstances so as to give full and complete relief to the petitioner.

AND.

It is further prayed that during pendency of the Writ Petition, the petitioner prays for an interim order from this Hon'ble Court for suspending the effect and operation of the impugned Notices dated 5.09.2025 and 29.01.2026 and subsequent process thereto till disposal of the writ petition and/or to pass such further or other order(s) as to Your Lordships may deem fit and proper in the facts and circumstances so as to give full and complete relief to the petitioner.

And for this act of kindness the petitioner as in duty bound shall ever pray.”

3. As per the facts projected, a notice under Section 7 (1) of the **Assam**

Land (Requisition and Acquisition) Act, 1964 was issued to the petitioner on 05.09.2025. It is contended that there has been violation of the provisions of ***Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*** and the process adopted by the respondents are in violation of the provisions of law. It is also contended that though the petitioner had responded to the notice by filing a representation on 09.12.2025, the same has not been responded to.

4. Shri Goswami, the learned counsel has submitted that while the petitioner had appeared before the Circle Officer pursuant to another notice i.e. 21.01.2026 and made a prayer for reassessment, the same has been denied.

5. A perusal of the verification of the said statement made in paragraph 6 would however show that the same has not been properly verified. Be that as it may, unless and until a case on clear violation of the provisions of the Land Acquisition Act is made out, interference by a Court in an acquisition proceeding is to be done in a sparing manner. This Court would however hasten to add that it is the aspect as to whether an aggrieved party has been provided with adequate and fair compensation which would be the matter of concern. ***The Land Acquisition Act of 2013*** contains adequate provision including Section 64 to pray for a reference in case a party is aggrieved by the adequacy of a compensation amount. This Court has also noted that the notice dated 05.09.2025 has been issued under the Act of 1964 which is a notice to the person interest to claim compensation.

6. This Court is of the opinion that at this stage, no case of interference is made out and accordingly the writ petition is dismissed.

7. Dismissal of this writ petition however would not come into the way of the

petitioner to seek adequate and sufficient compensation if he is aggrieved by the Award which may be passed in the Land Acquisition proceeding.

JUDGE

Comparing Assistant