

GAHC010043172025



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

Linked Case : I.A.(Civil)/530/2026

THE STATE OF ASSAM
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM
PUBLIC WORKS DEPT
DISPUR
GUWAHATI
ASSAM

VERSUS

PANKAJ MOHAN YEIN AND ORS
SON OF LATE HALADHAR YEIN
R/O PATHALIAL
PO- MACHKHOWA
PS AND DISTRICT- DHEMAJI
ASSAM-787057.

2:JAYANTA KONCH

S/O PURNA KONCH
R/O PATHALIAL
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM 787057

3:AMULYA KR. SAIKIA

S/O LATE TILAI CHUTIA
R/O PATHALIAL
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM 787057

4:BIREN SAIKIA

S/O TILAI CHUTIA
R/O PATHALIAL
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM 787057

5:RUNU KONCH
W/O LATE BISHWA KONCH
R/O PATHALIAL
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM 787057

6:BHASKAR JYOTI DUTTA

S/O ROBISON DUTTA
R/O PATHALIAL
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM 787057

7:RIBHA KONCH
W/O LATE LILA KONCH
R/O PATHALIAL
P.O. MACHKHOWA
P.S AND DIST- DHEMAJI
ASSAM 787057.

8:RUBUL SAIKIA

S/O LATE DURNA SAIKIA
R/O PATHALIAL
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM 787057

9:PURNA KANTA DUTTA

S/O LATE GAMDHAR DUTTA
R/O PATHALIAL
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM 787057

10:SANJAY SAIKIA

S/O AMULYA SAIKIA
R/O PATHALIAL
P.O. MACHKHOWA
P.S. AND DIST. DHEMAJI
ASSAM 787057

11:THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM

REVENUE DEPTT.
DISPUR
GUWAHATI 781006
ASSAM.

12:THE DISTRICT COMMISSIONER

DHEMAJI
ASSAM
PIN 787057

13:THE ADDITIONAL DISTRICT COMMISSIONER

DHEMAJI
ASSAM
PIN 787057

Advocate for : MS. PADMINI BARUA
Advocate for : appearing for PANKAJ MOHAN YEIN AND ORS

BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

25.03.2026

(K.R. Surana, J)

Heard Mr. P. Nayak, learned Additional Advocate General assisted by Ms. P. Barua, learned State counsel as well as Mr. S. Borthakur, learned counsel for the respondents.

2. By filing this interlocutory application, the applicants who are the

appellants in this connected writ appeal have prayed for stay of the operation of the common judgement and order dated 20.09.2024, in respect of WP(C)/6760/2023.

3. While the learned Additional Advocate General has submitted that in this case, though there was an agreement for paying land acquisition compensation in terms of notification dated 20.01.2021, in respect of "Land acquisition through direct purchase by way of negotiated settlement for improvement and upgradation of State Highways and Major District Roads under Asom Mala Program and Externally Aided projects (EAPs)".

4. But subsequently, it was found that the assessment was fraudulent and not based on the actual measurement of structures which were standing on the land sought to be purchased directly.

5. The learned counsel for the respondent Nos. 1 to 10 has opposed the prayer for stay on the ground that the said notification dated 20.01.2026, has been made in exercise of power under Section 46 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, which does not have the power for review. Accordingly, it is submitted that the reassessment that was made, which is the basis of reducing the compensation for direct purchase of land by negotiated settlement was done behind the back of the respondents just to deny them the fair compensation/payment for the land, which according to him, is impermissible under the scheme.

6. It is further submitted that as the respondent Nos. 1 to 10 have already been paid 50% of the purchase compensation, the entire property deemed to have been vested with the State and therefore, the negotiation of purchase so made, cannot be resiled by the State.

7. Be that as it may, as the connected appeal has been admitted for hearing, till the next date of listing, the Court is inclined to stay the operation of the impugned judgment and order dated 20.09.2024 passed by the learned Single Judge, only in respect of WP(C)/6760/2023, without effecting the enforcement in respect of the other connected writ petitions.
8. Issue notice on this interlocutory application which is made returnable on 28.04.2026.
9. Objection, if any, be filed prior to the next date of listing.
10. List on 28.04.2026.

JUDGE

JUDGE

Comparing Assistant