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

Case No. : WP(C)/1852/2025

ABU TAHER MUSTANI
S/O-LATE ABDUL RAJAK,R/O-BARBHETI,DHING TOWN ,P.S-DHING ,P.O-
DHING,DIST-NAGAON,PIN-782123,ASSAM

2: ABDUL MAJID
S/O- ALI NEWAJ
R/O- DHING TOWN
WARD NO. 4
ATHGAON CHAPARI
P.S.-DHING
P.S.- DHING P.O.- DHING
DIST- NAGAON PIN-782123 ASSAM.

3: SHRI HIRANYA HAZARIKA
S/O- LATE CHANDRA KANTA HAZARIKA
R/O- DHING TOWN
WARD NO 9
P.S-DHING
DIST- NAGAON
PIN-782123
ASSAM

4: SHRI GOPAL KEOT
S/O- TILAK KEOT
R/O- DHING TOWN
WARD NO. 6
P.S.- DHING
P.O.- DHING DIST-NAGAON
PIN-782123 ASSAM

5: SMTI RUMI DEVI
W/O- SHRI KHAGEN CHANDRA NATH
R/O- DHING CHAMUA DA GAON
ATHGAON CHAPARI

P.S.- DHING
P.O.- DHING DIST- NAGAON
PIN-782123 ASSAM

6: ABDUL MATALIB
S/O- LATE ALI NEWAJ
R/O- BEELATIA GAON NO. 1
P.S.- DHING
P.O.- DHING DIST- NAGAON
PIN-782123
ASSAM.

7: SHRI PANKAJ SINGHA RAJA
S/O- JIBON SHINGHA RAJA
R/O- CHAMUA GAON
ATHGAON CHAPARI
P.S. DHING
P.O.-DHING
DIST- NAGAON PIN-782123 ASSAM

VERSUS

THE STATE OF ASSAM
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
MUNICIPAL ADMINISTRATION DEPARTMENT, DISPUR, GUWAHATI- 6

2:DHING MUNICIPAL BOARD
REPRESENTED BY THE CHAIRMAN/CHAIRPERSON
DHING
P.O.- DHING DIST- NAGAON PIN-782123 ASSAM

3:THE VICE CHAIRMAN
DHING MUNICIPAL BOARD
DHING
P.O.- DHING DIST- NAGAON
PIN-782123
ASSAM

4:THE EXECUTIVE OFFICER
DHING MUNICIPAL BOARD
DHING
P.O.- DHING DIST- NAGAON PIN-782123 ASSAM

5:THE ASSISTANT ENGINEER
DHING MUNICIPAL BOARD
DHING
P.O.- DHING DIST- NAGAON PIN-782123 ASSAM

6:THE DISTRICT COMMISSIONER
NAGAON DISTRICT
ASSAM PIN-782001

7:THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (ROAD)
OFFICE OF THE EXECUTIVE ENGINEER
PUBLIC WORKS DEPARTMENT (ROAD)
NAGAON-BATADROBA
RAHA AND BARHAMPUR TERRITORIAL ROAD DIVISION
NAGAON
ASSAM. PIN NO.-78200

Advocate for the Petitioner : MR. C CHAKRAVARTY, MR B P SARMAH,B SAHA,MR.
JYOTIRMOY ROY

Advocate for the Respondent : GA, ASSAM, SC, PWD

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 04.04.2025

Heard Mr. J. Roy, learned Senior Counsel assisted by Mr. C. Chakravarty, learned counsel for the petitioners; Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 1, 4 & 6; and Mr. B. Choudhury, learned Standing Counsel, Public Works Department for the respondent no. 7.

2. The petitioners, 7 [seven] in nos., have stated that they were allotted *Bhetis* at Dhing Bazar by the respondent Dhing Municipal Board and after being so allotted, the petitioners carried out their businesses from those *Bhetis* by constructing shop rooms with their investments and by paying municipality taxes. In the year 2021, the Public Works Department after carrying out a survey at a place wherefrom the petitioners were running their businesses from the *Bhetis*, the petitioners were informed that there would be construction and

expansion of the PWD Road under the Assam Mala Project and in that connection, a portion of the petitioners' *Bhetis* would be dismantled. Thereafter by issuance of notices, dated 07.05.2024, the respondent no. 4 asked the petitioners to demolish the marked area of their respective *Bhetis* and the petitioners duly carried out the direction.

3. The petitioners have come to learn that sums of Rs. 24,64,025/- and Rs. 25,06,183/- have been deposited by the Public Works Department with the Dhing Municipal Board in the meantime as compensation towards damages to be paid to the petitioners. As the said amounts have not yet been disbursed to the petitioners despite submission of representation by the petitioners before the authorities in the respondent Dhing Municipal Board, the petitioners are before this Court by the instant writ petition seeking *inter-alia* a direction to the respondent authorities, more particularly, the authorities in the Dhing Municipal Board to release the compensation amount.

4. Issue notice, returnable on 07.05.2025.

5. As Mr. Goswami, learned Junior Government Advocate has entered appearance and accepted notice on behalf of the respondent nos. 1, 4 & 6 and Mr. Choudhury, learned Standing Counsel, Public Works Department has entered appearance and accepted notice on behalf of the respondent no. 7, issuance of formal notices to the said respondents stand dispensed with. The learned counsel for the petitioners shall furnish requisite nos. of extra copies of the writ petition along with annexures to Mr. Goswami and Mr. Choudhury within 2 [two] working days from today.

6. The petitioner shall take steps for service of notice upon the respondent

nos. 2, 3 & 5 by registered post with A/D within 2 [two] working days from today.

7. In view of the projection made by the petitioners, it is observed that pendency of the writ petition shall not be a bar for the respondent Dhing Municipal Board authorities to disburse the compensation amount, if the petitioners are found entitled.

JUDGE

Comparing Assistant