

GAHC010080522025



2025:GAU-AS:13119

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

Case No. : CRP/51/2025

POWER GRID CORPORATION OF INDIA LTD
NER BADARPUR GHAT, P.O. BADARPUR GHAT, P.S. PANCHGRAM,
HAILAKANDI, ASSAM 788806

VERSUS

DISTRICT COMMISSIONER, HAILAKANDI
Hailakandi, ASSAM

2:SAHAB UDDIN LASKAR
S/O LT MOSAIN ALI LASKAR VILL MATIJURI PS AND DIST HAILAKANDI
ASSA

Advocate for the Petitioner : MR. R SHARMA, MR. D DEKA

Advocate for the Respondent : GA, ASSAM,

Linked Case : CRP/37/2025

POWER GRID CORPORATION OF INDIA LIMITED
NER
BADARPUR GHAT
P.O.- BADARPUR GHAT
P.S.- PANCHGRAM
DIST- HAILAKANDI
PIN-788806
ASSAM
REPRESENTED BY THE CHIEF MANAGER NAMELY SHRI NINGTHOUJAM

MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

THE DISTRICT COMMISSIONER
HAILAKANDI AND ANR
DIST- HAILAKANDI

2:MIRINA BEGUM BARBHUIYA
D/O LATE ARJOMOND ALI BARBHUIYA
VILL- BAHADURPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : N KHERA
Advocate for : GA
ASSAM appearing for THE DISTRICT COMMISSIONER
HAILAKANDI AND ANR

Linked Case : CRP/56/2025

POWER GRID CORPORATION OF INDIA LTD
NER BADARPUR GHAT
P.O. BADARPUR GHAT
P.S. PANCHGRAM
HAILAKANDI
ASSAM
PIN-788806. REPRESENTED BY THE CHIEF MANAGER
NAMELY SHRI NINGTHOUJAM MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

DISTRICT COMMISSIONER
HAILAKANDI AND ANR
ASSAM

2:BAHARUL ISLAM LASKAR
S/O LATE ABDUL JALIL LASKAR
VILL- LAKHINAGAR PART-I
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : MR. R SHARMA
Advocate for : GA
ASSAM appearing for DISTRICT COMMISSIONER
HAILAKANDI AND ANR

Linked Case : CRP/63/2025

POWER GRID CORPORATION OF INDIA LIMITED
NER BADARPUR GHAT
P.O.- BADARPUR GHAT
P.S.- PANCHGRAM
DIST- HAILAKANDI
PIN-788806
ASSAM
REPRESENTED BY THE CHIEF MANAGER
NAMELY SHRI NINGTHOUJAM MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

DISTRICT COMMISSIONER
HAILAKANDI AND ANR
ASSAM

2:MAHMUDUR RAHMAN BARBHUIYA
S/O LIAKOT ALI BARBHUIYA
VILL- BONDUKMARA
P.O.- RATANPUR
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : MR. R SHARMA
Advocate for : GA
ASSAM appearing for DISTRICT COMMISSIONER
HAILAKANDI AND ANR

Linked Case : CRP/52/2025

POWER GRID CORPORATION OF INDIA LTD
NER BADARPUR GHAT
P.O. BADARPUR GHAT
P.S. PANCHGRAM
HAILAKANDI

ASSAM

VERSUS

DISTRICT COMMISSIONER
HAILAKANDI
HAILAKANDI ASSAM

2:MUST NUR KHATUN LASKAR
WIFE OF ABDUL RAHIM LASKAR VILL BAHADURPUR PART II PS AND DIST
HAILAKANDI ASSAM

Advocate for : N KHERA
Advocate for : GA
ASSAM appearing for DISTRICT COMMISSIONER
HAILAKANDI

Linked Case : CRP/64/2025

POWER GRID CORPORATION OF INDIA LIMITED
NER BADARPUR GHAT
P.O.- BADARPUR GHAT
P.S.- PANCHGRAM
DIST- HAILAKANDI
PIN-788806
ASSAM
REPRESENTED BY THE CHIEF MANAGER
NAMELY SHRI NINGTHOUJAM MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

DISTRICT COMMISSIONER
HAILAKANDI AND ANR
ASSAM

2:MD. ABDUR NUR CHOUDHURY
S/O LATE ASMAN ALI CHOUDHURY
VILL- BASHBARI-I
P.S.- ALGAPUR
DIST- HAILAKANDI
ASSAM

Advocate for : MR. R SHARMA

Advocate for : GA
ASSAM appearing for DISTRICT COMMISSIONER
HAILAKANDI AND ANR

Linked Case : CRP/39/2025

POWER GRID CORPORATION OF INDIA LIMITED
NER
BADARPUR GHAT
P.O.- BADARPUR GHAT
P.S.- PANCHGRAM
DIST- HAILAKANDI
PIN-788806
ASSAM
REPRESENTED BY THE CHIEF MANAGER NAMELY SHRI NINGTHOUJAM
MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

THE DISTRICT COMMISSIONER
HAILAKANDI AND 3 ORS.
DIST- HAILAKANDI

2:FOKRUL ISLAM BARBHUIYA
S/O LATE ARJOMOND BARBHUIYA
VILL- BAHADURPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM

3:DILWAR HUSSAIN BARBHUIYA
S/O LATE ARJOMOND BARBHUIYA
VILL- BAHADURPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM

4:MD. SHIRUL ISLAM BARBHUIYA
S/O LATE ARJOMOND BARBHUIYA
VILL- BAHADURPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : N KHERA
Advocate for : GA
ASSAM appearing for THE DISTRICT COMMISSIONER

HAILAKANDI AND 3 ORS.

Linked Case : CRP/55/2025

POWER GRID CORPORATION OF INDIA LIMITED
NER BADARPUR GHAT
P.O. BADARPUR GHAT
P.S. PANCHGRAM
HAILAKANDI
ASSAM
PIN-788806. REPRESENTED BY THE CHIEF MANAGER
NAMELY SHRI NINGTHOUJAM MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

DISTRICT COMMISSIONER
HAILAKANDI AND ANR
ASSAM

2:HILAL UDDIN BARBHUIYA
S/O LATE HORUDHAN ALI BARBHUIYA
VILL- LAKSHMINAGAR R/A
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : MR. R SHARMA
Advocate for : GA
ASSAM appearing for DISTRICT COMMISSIONER
HAILAKANDI AND ANR

Linked Case : CRP/36/2025

POWER GRID CORPORATION OF INDIA LIMITED
NER
BADARPUR GHAT
P.O.- BADARPUR GHAT
P.S.- PANCHGRAM
DIST- HAILAKANDI
PIN-788806
ASSAM
REPRESENTED BY THE CHIEF MANAGER NAMELY SHRI NINGTHOUJAM
MANTOSH SINGH

AGED ABOUT 43 YEARS

VERSUS

THE DISTRICT COMMISSIONER
HAILAKANDI AND ANR
HAILAKANDI
DIST- HAILAKANDI

2:ON THE DEATH OF MD. JAYNUL ISLAM BARBHUIYA HIS LEGAL HEIR
NAMELY-

2.1:MASUMA KHANAM BARBHUIYA
W/O LATE JAYNUL ISLAM BARBHUIYAN
VILLAGE- BAHADURPUR PART-II
P.O.- BROJAPUR PART-I
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : N KHERA
Advocate for : GA
ASSAM appearing for THE DISTRICT COMMISSIONER
HAILAKANDI AND ANR

Linked Case : CRP/38/2025

POWER GRID CORPORATION OF INDIA LIMITED
NER
BADARPUR GHAT
P.O.- BADARPUR GHAT
P.S.- PANCHGRAM
DIST- HAILAKANDI
PIN-788806
ASSAM
REPRESENTED BY THE CHIEF MANAGER NAMELY SHRI NINGTHOUJAM
MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

THE DISTRICT COMMISSIONER
HAILAKANDI AND ANR
DIST- HAILAKANDI

2:SURMA BEGUM BARBHUIYA
D/O LATE ARJOMOND ALI BARBHUIYA
VILL- BAHADURPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : N KHERA
Advocate for : GA
ASSAM appearing for THE DISTRICT COMMISSIONER
HAILAKANDI AND ANR

Linked Case : CRP/53/2025

POWER GRID CORPORATION OF INDIA LTD
NER BADARPUR GHAT
P.O. BADARPUR GHAT
P.S. PANCHGRAM
HAILAKANDI
ASSAM REPRESENTED BY THE CHIEF MANAGER
NAMESLY SHRI NINGTHOUJAM MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE CHIEF SECRETARY
GOVERNMENT OF ASSAM
DISPUR

2:COLLECTOR
HAILAKANDI
DIST
P.O. AND P.S.- HAILAKANDI

3:LAND ACQUISITION OFFICER
HAILAKANDI
ASSAM

4:PINAK PANI NATH
S/O LATE MONI BUSHAN NATH
VILL- LAKHMINAGAR PART-1
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : MR. R SHARMA

Advocate for : GA
ASSAM appearing for STATE OF ASSAM AND 3 ORS.

Linked Case : CRP/54/2025

POWER GRID CORPORATION OF INDIA LTD
NER BADARPUR GHAT
P.O. BADARPUR GHAT
P.S. PANCHGRAM
HAILAKANDI
ASSAM. REPRESENTED BY THE CHIEF MANAGER
NAMELY SHRI NINGTHOUJAM MANTOSH SINGH
AGED ABOUT 43 YEARS

VERSUS

DISTRICT COMMISSIONER
HAILAKANDI AND ANR
ASSAM

2:MD. ABDUL RAHIM LASKAR
S/O LATE KURMAN ALI LASKAR
VILL- BAHADURPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM

Advocate for : MR. R SHARMA
Advocate for : GA
ASSAM appearing for DISTRICT COMMISSIONER
HAILAKANDI AND ANR

Linked Case : CRP/41/2025

POWER GRID CORPORATION OF INDIA LIMITED
NER
BADARPUR GHAT
P.O.- BADARPUR GHAT
P.S.- PANCHGRAM
DIST- HAILAKANDI
PIN-788806
ASSAM
REPRESENTED BY THE CHIEF MANAGER NAMELY SHRI NINGTHOUJAM
MANTOSH SINGH

AGED ABOUT 73 YEARS

VERSUS

THE DISTRICT COMMISSIONER
HAILAKANDI AND ANR
DIST-HAILAKANDI

2:MD. KAMRUL ISLAM BARBHUIYA
S/O LATE ARJOMOND ALI BARBHUIYA
VILL- BAHADURPUR PART-II
P.S. AND DIST- HAILAKANDI
ASSAM

For the Petitioner(s) : Mr. A. Kr. Sharma, Sr. Advocate
Mr. R. Sharma, Sr. Advocate
Mr. N. Khera, Advocate

For the Respondent(s) : Ms. U. Das, Addl. Sr. Govt. Advocate
Mr. P.K. Roychoudhury, Advocate
Mr. H.I. Choudhury, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.09.2025

Heard Mr. Amit Kumar Sharma and Mr R. Sharma, the learned Senior Counsels assisted by Mr. N. Khera, the learned counsel appearing on behalf of the petitioner in the present batch of applications. I have also Heard Mr. P.K. Roychoudhury, the learned counsel representing the private respondents in the present batch of applications and Ms. U. Das, the learned Senior Government Advocate appearing on behalf of the State of

Assam.

CRP/51/2025

2. This application was filed on 05.04.2025 challenging the judgment dated 12.04.2023 passed in Misc (P.G.) Case No. 16/2017 by the learned Court of the Additional District Judge, Hailakandi.

CRP/36/2025

3. This application was filed on 16.12.2024 challenging the judgment dated 04.11.2023 passed in Misc (P.G.) Case No. 05/2018 by the learned Court of the Additional District Judge, Hailakandi.

CRP/37/2025; CRP/38/2025 & CRP/41/2025

4. These applications were filed on 16.12.2024 challenging the common judgment dated 23.11.2023 passed in Misc (P.G.) Case No. 08/2018; Misc (P.G.) Case No. 07/2018 and Misc (P.G.) Case No. 03/2018 respectively by the learned Court of the Additional District Judge, Hailakandi.

CRP/39/2025

5. This application was filed on 16.12.2024 challenging the common judgment dated 16.08.2023 passed in Misc (P.G.) Case No. 02/2018; Misc (P.G.) Case No. 04/2018 and Misc (P.G.) Case

No. 06/2018 respectively by the learned Court of the Additional District Judge, Hailakandi.

CRP/52/2025

6. This application was filed on 05.04.2025 challenging the judgment dated 28.03.2023 passed in Misc (P.G.) Case No. 22/2016 by the learned Court of the Additional District Judge, Hailakandi.

CRP/53/2025

7. This application was filed on 05.04.2025 challenging the judgment dated 13.07.2022 passed in Misc (P.G.) Case No. 04/2016 by the learned Court of the Additional District Judge, Hailakandi.

CRP/54/2025

8. This application was filed on 05.04.2025 challenging the judgment dated 25.07.2023 passed in Misc (P.G.) Case No. 23/2016 by the learned Court of the Additional District Judge, Hailakandi.

CRP/55/2025

9. This application was filed on 05.04.2025 challenging the judgment dated 12.08.2022 passed in Misc (P.G.) Case No. 31/2016 by the learned Court of the Additional District Judge,

Hailakandi.

CRP/56/2025 & CRP/63/2025

10. These applications were filed on 21.04.2025 challenging the common judgment dated 29.09.2022 passed in Misc (P.G.) Case No. 09/2015 and Misc (P.G.) Case No. 75/2015 respectively by the learned Court of the Additional District Judge, Hailakandi.

CRP/64/2025

11. This application was filed on 21.04.2025 challenging the judgment dated 22.11.2022 passed in Misc (P.G.) Case No. 15/2018 by the learned Court of the Additional District Judge, Hailakandi.

12. In the present batch of applications, the petitioner herein has assailed the judgments passed by the learned Court of the Additional District Judge, Hailakandi in proceedings arising under Section 16 of the Indian Telegraph Act, 1885 (for short, "the Act of 1885"). In the said judgments, the additional compensation have been awarded to the private respondents.

13. The learned Senior Counsels who represents the petitioner in the present batch of applications have submitted that there were various evidences which the petitioner ought to have adduced before the learned Court of the Additional District and Sessions Judge, Hailakandi which would categorically show that

the private respondents have received the amounts without protest and in full satisfaction. However, on account of certain communication gap, the said evidences could not be laid before the learned Court before whom the proceedings under Section 16 of the Act of 1885 were being conducted. In addition to that, the learned Senior Counsels also raised the plea of limitation and submitted that the same were not argued which though were raised in the said proceedings by filing written statements.

14. The grounds and reasons on which the present applications have been filed i.e., no evidence could be led or no arguments being made on the question of limitation were not brought to the notice of the learned Court before whom the proceedings under Section 16 of the Act of 1885 were taken up.

15. It is the opinion of this Court that the jurisdiction under Article 227 of the Constitution of India is a limited jurisdiction to exercise supervisory jurisdiction and this Court cannot go into those questions not urged or even appreciate any new evidence, unless, the same were a part of the original proceedings.

16. The learned Senior Counsels appearing on behalf of the petitioner in the present batch of applications therefore submitted that in that view of the matter the petitioner instead

of pursuing the present applications would be well advised to file appropriate applications before the learned Court of the Additional District Judge, Hailakandi seeking review/recall or modification of such judgments, taking into account that certain facts which were vital for the adjudication of the proceedings could not be placed before the learned Court on account of the earlier set of counsels having not placed the same.

17. Taking into account the above, this Court therefore closes the instant batch of applications on withdrawal, without prejudice to the petitioner to approach the learned Court of the Additional District Judge, Hailakandi seeking review/recall or modification of the judgments so passed under Section 16 of the Act of 1885.

18. The period during which the instant proceedings were pending before this Court shall be excluded while computing the period of limitation.

JUDGE

Comparing Assistant