

GAHC010099632024



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

Case No. : WP(C)/2720/2024

RENU GHATOWAR AND 14 ORS
WIFE OF LATE NAGEN GHATOWAR,
RESIDENT OF VILL- NEGHERTING BORLINE, DERGAON,
DIST.- GOLAGHAT, ASSAM, PIN- 785614.

2: GITA NAGBANGSHI
WIFE OF SUNIL NAGBANGSHI

RESIDENT OF BALIJAN BAGICHA

P.O.- SITALPATHAR

DIST.- GOLAGHAT
ASSAM
PIN- 785703

3: MONJU KURMI
WIFE OF SHRI RADHESHYAM KURMI

RESIDENT OF BALIJAN OLD LINE

P.O.- SITALPATHAR

DIST.- GOLAGHAT
ASSAM
PIN- 785703

4: ABUTA TURI
WIFE OF AKIL MIRDHA

RESIDENT OF VILL- NEGHERITING CHARIALI

DIST.- GOLAGHAT
ASSAM

PIN- 785614.

5: AJAY KALWAR
SON OF LATE BISWANATH KALWAR

RESIDENT OF BALIJAN OLD LINE

P.O.- SITALPATHAR

DIST.- GOLAGHAT
ASSAM
PIN- 785703.

6: DASARATH NAGBANGSHI
SON OF LATE SOMRA NAGBANGSHI

RESIDENT OF 1 NO. NEGHERITING GRANT
DERGAON

DIST.- GOLAGHAT
ASSAM
PIN- 785614.

7: RAJU RAI
SON OF JAGDISH RAI

RESIDENT OF BALIJAN BAGICHA

P.O.- DERGAON

DIST.- GOLAGHAT
ASSAM
PIN- 785614.

8: DHRUBAJYOTI DAS
SON OF SRI AMESWAR DAS

RESIDENT OF VILL- NEGHERITING CHARIALI
DERGAON

DIST.- GOLAGHAT
ASSAM
PIN- 785614.

9: NEKIB ALI
SON OF CHELIM ALI

RESIDENT OF SITAL PATHAR GAON

GOLAGHAT
ASSAM
PIN- 785703.

10: MANOJ PACHI
SON OF LATE CHITABACHAN PACHI

RESIDENT OF NEGHERITING BORLINE

DERGAON

DIST.- GOLAGHAT
ASSAM
PIN- 785614.

11: ROHIT PASI
SON OF LATE BAPURAM PASI

RESIDENT OF VILL- NEGHERITING BORLINE
DERGAON

DIST.- GOLAGHAT
ASSAM
PIN- 785614.

12: INTAJ ALI
SON OF MD. NACHAD ALI

RESIDENT OF VILL- NEGHERITING BORLINE
DERGAON

DIST.- GOLAGHAT
ASSAM
PIN- 785614.

13: DURGA JAISWAL
SON OF SHRI UMA JAISWAL

RESIDENT OF BALIJAN TEA ESTATE

P.O.- SITALPATHAR

DIST.- GOLAGHAT
ASSAM
PIN- 785703.

14: GANGA MIRDHA
SON OF LATE RADHA MIRDHA

RESIDENT OF VILL- NEGHERITING BORLINE
DERGAON

DIST.- GOLAGHAT
ASSAM
PIN- 785614.

15: DOYA GHATOWAR
LATE MAHABIR GHATOWAR

VILL- NEGHERITING BORLINE
DERGAON

DIST.- GOLAGHAT
ASSAM
PIN- 785614

VERSUS

THE UNION OF INDIA AND 11 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS,
TRANSPORT BHAWAN, 1, PARLIAMENTARY STREET, NEW DELHI- 110001.

2:NATIONAL HIGHWAY AUTHORITY OF INDIA

G 5 AND 6
SECTOR-10
DWARKA

NEW DELHI- 110075

REPRESENTED BY ITS CHAIRMAN.

3:NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
3RD FLOOR
PTI BUILDING
4- PARLIAMENT STREET

NEW DELHI- 110001
REPRESENTED BY ITS MANAGING DIRECTOR.

4:EXECUTIVE DIRECTOR
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
REGIONAL OFFICE

GUWAHATI REGION

2ND FLOOR
AGNISHANTI BUSINESS PARK

OPP. AGP OFFICE
GNB ROAD
AMBARI

GUWAHATI- 781001.

5:DEPUTY GENERAL MANAGER
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD.
PMU
JORHAT
OPPOSITE BRAHMAPUTRA ACADEMY

1ST FLOOR
RAJATIA GAON
MALOW ALI

JORHAT 785001.

6:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-6.

7:THE DISTRICT COMMISSIONER/ COLLECTOR
GOLAGHAT
ASSAM
PIN- 785702.

8:THE COMMISSIONER
UPPER ASSAM DIVISION
CINNAMARA
JORHAT
PIN- 785008.

9:JUNIOR ENGINEER
PWD DERGAON BUILDING SUB-DIVISION
DERGAON
DIST.- GOLAGHAT
ASSAM
PIN- 785703.

10:THE CIRCLE OFFICER

DERGAON REVENUE CIRCLE
DERGAON
DIST.- GOLAGHAT
ASSAM
PIN- 785703.

11:ASSAM TEA CORPORATION LTD.
HOUSEFED COMPLEX
C-BLOCK
DISPUR
GUWAHATI-781006.

12:NEGHERITING TEA ESTATE
P.O.-NEGHERITING
DIST. GOLAGHAT

ASSAM
PIN- 785703

Advocate for the Petitioner : MR. N J KHATANIAR

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

27.05.2024

Heard Mr. N.J. Khataniar, learned counsel for the petitioners. Also heard Ms. S. Sarma, learned Government Advocate for the respondents No. 7, 8 & 10; Ms. P.R. Mahanta, learned Standing Counsel, Revenue for the respondent No. 6; Ms. R. Bora, learned Standing Counsel, NHIDCL for the respondents No. 1 to 5 and Ms. A. Barthakur, learned counsel appears for the PWD for the respondent No. 9.

The writ petitioners are residents in an area which was enclosed within the Negheriting Tea Estate in the district of Golaghat. Relating to the widening of the National Highway 37 works which are undertaken by the National Highway Authority, the land occupied by the petitioners were acquired through the Deputy Commissioner, Golaghat. In a joint survey carried out by the P.W.D Department for quantifying the damages to be suffered, all the names of the writ petitioners were found mentioned in the survey undertaken through the PWD. The garden authorities have also issued an NOC in respect of the writ petitioners for receipt of compensation. However, inspite of their land being acquired and their homesteads being demolished for the purposes of widening of the NH 37 works and inspite of their names having been found in the list of residents and the land under their occupation having been acquired by NHIDCL and further the names of the writ petitioners are reflected in the survey conducted by the PWD, the petitioners have not been granted the compensation due by the respondent authorities. It is submitted that other similarly situated persons have been granted the compensation save and except the present writ

petitioners.

Let Notice be issued, Returnable in four weeks.

Since the learned counsel for the respondents No. 1 to 10 have entered appearances, Notices are waived. However, extra copies be furnished within one week from today.

Steps on respondents No. 11 & 12 be taken by registered post with A/D as well as usual course within a period of one week from today.

The respondents are at liberty to complete their instructions and place it before the Court.

Matter be listed after returnable date.

The names of all the learned Standing Counsel be reflected in the cause list.

JUDGE

Comparing Assistant