

GAHC010117842024



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

Case No. : WP(C)/3097/2024

SAYED ISFAK HUSSAIN
S/O- SAMSUDDIN, R/O- VILLAGE- BOGACHOLA, MOUZA- DIPILA SUB-
DIVISION-MANGALDOI, DISTRICT- DARRANG, P.O. TENGARA, P.S.
SIPAJHAR, DISTRICT- DARRANG, ASSAM, PIN- 781126

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, REVENUE DEPARTMENT SECONDARY,
DISPUR, GUWAHATI- 781006, KAMRUP (M), ASSAM

2:THE DEPUTY SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DMLR DEPARTMENT
DISPUR
GUWAHATI- 781006
KAMRUP (M)
ASSAM

3:THE DEPUTY COMMISSIONER
DARRANG
MANGALDOI
ASSAM
PIN- 784125

4:THE UNDER SECRETARY TO THE GOVT. OF ASSAM
WATER RESOURCE DEPARTMENT
DISPUR
GUWAHATI- 781006
KAMRUP (M)
ASSA

For the Petitioner(s) : Mr. M. Hossain, Advocate
For the Respondent(s) : Mr. A. Bhattacharjee, SC, Revenue
: Mr. S. Baruah, Government Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 24.07.2024

Issue notice making it returnable on 12.08.2024.

2. Mr. A. Bhattacharjee, the learned Standing counsel appears for the Respondent Nos. 1 and 2; Mr. S. Baruah, the learned Government Advocate appears for the Respondent No.3. None appears for the Water Resource Department when the matter was taken up.

3. It is seen that at the time of filing the instant writ petition, the Petitioner has not served copy of the writ petition upon the Standing counsel for the Water Resource Department and it is for that reason, neither the name of the standing counsel of the Water Resource Department have been shown nor anybody is present. Under such circumstances, the Petitioner is directed to serve two copies of the writ petition upon the Standing counsel of the Water Resource Department during the course of the day.

4. As the Respondent Nos. 1, 2 and 3 are duly represented by their respective learned counsels, extra copies of the writ petition also be served upon them during the course of the day.

5. The case of the Petitioner herein is that the Respondent Authorities had taken over the possession of land measuring 3 Bighas 3 Kathas 1.5 Lechas

belonging to the Petitioner in connection with L.A. Case No.06/2001-02. However, the Petitioner had not received any compensation in respect to the said land. On 11.01.2012 i.e. almost after a decade, the Petitioner was served with a notice intimating that the Petitioner would be entitled to compensation of an amount of Rs.1,55,022/- in respect to the land, the possession of which was taken over. This aspect was intimated to the Petitioner on 11.02.2012. Thereupon also, the Petitioner did not receive a single penny and as such the Petitioner represented before the Minister of the Water Resource Department.

6. Thereupon in respect to the said land, a notification was issued under Section 9 of the Assam land (Acquisition and Requisition) Act, 1964. This notification was issued on 18.03.2014. The Petitioner had submitted an application for enhancement of the compensation in terms with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short the "Act of 2013"). It is the specific case of the Petitioner that the proceedings may have been initiated prior to the Act of 2013 had come into force but in view of Section 24, the Petitioner is entitled to compensation as in terms with the Act of 2013.

7. It is seen that the said application was filed as far back as on 06.03.2024 and it is not known from the instruction which have been placed by Mr. S. Baruah, the learned Government Advocate during the course of the hearing today as to whether any reference proceedings have been initiated thereof. Under such circumstances, this Court directs the Revenue Department as well as the District Commissioner, Darrang to file their respective affidavits thereby stating the status of the acquisition proceedings in respect to the land belonging to the Petitioner, the details of which have been given in paragraph No.2 of the writ petition and as to whether the application seeking enhancement in terms

with the Act of 2013 have been referred to the appropriate Court for deciding as regards the appropriate compensation. The said affidavits be filed without fail by 09.08.2024.

8. List accordingly.

JUDGE

Comparing Assistant