

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

**Advocate for the Petitioner** : M HOSSAIN, MR J HUSSAIN, MD A WADUD

**Advocate for the Respondent** : GA, ASSAM, SC, WATER RESOURCE, SC, REVENUE

**BEFORE  
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY**

**ORDER**

**11.09.2024**

Heard Mr. M. Hossain, learned counsel for the petitioner. also heard Ms. U. Das, learned State Counsel representing the respondent.

The present writ petition is filed by the petitioner with a grievance that though their patta land has been acquired, no land acquisition compensation has been made. The further relief sought is that as no payment of land acquisition compensation has been made during the currency of the Land Acquisition Act, 1894 and no award has been passed till date, they are entitled for compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in terms of Section 24.

Ms. U. Das, learned State Counsel has obtained an instruction which goes to show that notice of acquisition of the land was served on 08.10.2003 and the possession was taken over on 27.02.2008. Therefore, according to her, in terms of the determination made by the Hon'ble Apex Court in the case of **Indoor Development Authority –Vs- Manoharlal and Ors** reported in **2020 SCC Online SC 316**, the petitioner shall not be entitled for compensation under the Act, 2013 even if, no award is passed.

However, to ascertain the claim and counterclaim of the learned counsel for the parties, an affidavit is required to be filed more particularly, clarifying the details of the acquisition process including showing the dates of issuance of notice under Sections 4

and 6 of the Land Acquisition Act, 1894 as well as the date of award which was passed in the land acquisition proceeding whereby the land of the petitioner has been acquired.

At this stage, Ms. U. Das, learned State Counsel submits that affidavit has been prepared and she is waiting for final vetting of the same from the concerned Collector. Accordingly, she prays for four weeks time to file the affidavit. Prayer is allowed.

List this matter on 23.10.2024. However, it is made clear that no further adjournment shall be granted in this regard.

**JUDGE**

**Comparing Assistant**