

GAHC010272402023



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

Linked Case : **I.A.(Civil)/2055/2025**
In WP(C)/6990/2023

NASIR UDDIN LASKAR
SON OF SANGAI MIA LASKAR VILLAGE AND PO NATUN DAYAPUR
PS UDHARBOND
DIST CACHAR
ASSAM 788009

2: KORIMA BEGUM LASKAR
W/O. LATE AJOL ALI LASKAR
R/O. VILLAGE KASHIPUR PART II P.O. NATUN DAYAPUR
DISTRICT CACHAR
ASSAM
PIN CODE 788009

3: RABAL HUSSAIN LASKAR
S/O. SANGAI MIA LASKAR
VILLAGE AND P.O. NATUN DAYAPUR
P.S. UDHARBOND
DISTRICT CACHAR
ASSAM. PIN CODE 788009

4: NUR AHMED MAZUMDAR
S/O. AMIR UDDIN MAZUMDAR
VILLAGE HARINAGAR
P.O. HARINAGAR BAZAR
P.S. HARINAGAR
DISTRICT CACHAR
ASSAM. PIN CODE 788107

5: NUR ESSA BEGUM MAZUMDAR

W/O. HAIDER HUSSAIN LASKAR
VILLAGE NATUN DAYAPUR

P.O. NATUN DAYAPUR
P.S. UDHARBOND
DISTRICT CACHAR
ASSAM. PIN CODE 788009

6: JAINAL ABEDIN BARBHUIYA

SON OF LATE SAFIL UDDIN BARBHUIYA
RESIDENT OF VILLAGE NATUN DAYAPUR CHOWK
PO NATUN DAYAPUR
PS UDHARBOND
DIST CACHAR
ASSAM 788009

7: SAMSUDDIN MAZUMDAR

SON OF ABDUL HOQUE MAZUMDAR
RESIDENT OF VILLAGE BERENGA PART V
PO BERENGA
DIST CACHAR
ASSAM 788005
VERSUS

SAHAB UDDIN BARBHUIYA
S/O ILAS ALI BARBHUIYA R/O RONGPUR PART 1 P.O. ARKATIPUR P.S.
SILCHAR DISTRICT CACHAR
ASSAM.

2:SAIF UDDIN BARBHUIYA
S/O ILAS ALI BARBHUIYA R/O RONGPUR PART 1 P.O. ARKATIPUR P.S.
SILCHAR DISTRICT CACHAR
ASSAM.

3:SAMIR UDDIN BARBHUIYA
S/O ILAS ALI BARBHUIYA R/O RONGPUR PART 1 P.O. ARKATIPUR P.S.
SILCHAR DISTRICT CACHAR
ASSAM

4:AJIR UDDIN BARBHUIYA
S/O ILAS ALI BARBHUIYA R/O RONGPUR PART 1 P.O. ARKATIPUR P.S.
SILCHAR DISTRICT CACHAR
ASSAM

5:FAYAJ UDDIN BARBHUIYA
S/O ILAS ALI BARBHUIYA R/O RONGPUR PART 1 P.O. ARKATIPUR P.S.
SILCHAR DISTRICT CACHAR
ASSAM

Advocate for : MR. R MAJUMDAR
Advocate for : GA
ASSAM appearing for SAHAB UDDIN BARBHUIYA

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

25.02.2026

Heard Shri R. Majumdar, learned counsel for the applicants, who are respondent nos. 12 to 18 in the writ petition. Also heard Shri S. Borthakur, learned counsel for the opposite parties/writ petitioners; Shri J. Handique, learned State Counsel; Shri C. Baruah, learned Standing Counsel, NHIDCL; Shri U. Ghosh, learned counsel for the respondent nos. 8 & 9. Shri Ghosh, the learned counsel has also informed that an affidavit-in-opposition has been filed by his clients in the writ petition.

2. The instant application has been filed praying for modification of the *ex-parte* interim order dated 18.12.2023 passed in the connected writ petition being WP(C)/6990/2023. By the aforesaid order, this Court had passed an interim direction keeping in abeyance the disbursement of compensation in respect of the land acquired.

3. Briefly stated, the writ petition has been filed in connection with a claim for compensation for land which has been acquired. The land is covered under 3 Dags, namely, 562, 564 and 566 and the dispute of the petitioners are *per se* against the respondent nos. 6, 7, 8 & 9.

4. Shri Mazumdar, the learned counsel for the applicants who have been subsequently impleaded as respondent nos. 12 to 18 has submitted that because of the interim order, even their share, which is a part of the land

acquisition proceeding has not been released. He has submitted that the dispute in the writ petition is against the respondent nos. 6 to 9 and not with the present applicants and therefore the interim order is liable to be modified.

5. Shri S. Borthakur, the learned counsel for the opposite parties/writ petitioners has fairly conceded that the dispute is not with the present applicants (respondent nos. 12 to 18) but with the respondent nos. 6 to 9. Accordingly, he will not have any objection, if the entitlement of the applicants is released.

6. Considering the aforesaid facts and circumstances and the submissions advanced, the interim order dated 18.12.2023 stands modified to the extent that while the restraint for disbursement would be applicable *qua* the respondent nos. 6 to 9, there would be no restraint for release of the compensation to the applicants (respondent nos. 12 -18).

7. IA accordingly stands disposed of.

JUDGE

Comparing Assistant