GAHC010157442022

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

Case No. : WP(C)/5189/2022

PRATAP BORTHAKUR AND 17 ORS.
SON OF PRAFULLA BORTHAKUR,
RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON, HEZARI MOUZA,
P.S. AND DISTRICT- JORHAT, ASSAM.

2: PABITRA BORTHAKUR
SON OF PRAFULLA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

3: SMT. KAMALA BORTHAKUR
DAUGHTER OF PRAFULLA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

4: SMT. MALA BORTHAKUR
DAUGHTER OF PRAFULLA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

5: SMT. RUMI BORTHAKUR
DAUGHTER OF KHAGEN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA

P.S. AND DISTRICT- JORHAT
ASSAM.

6: SMT. ROONEE BORTHAKUR
DAUGHTER OF LATE KHAGEN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

7: SMT. JHUMA BORTHAKUR
DAUGHTER OF LATE KHAGEN BORTHAKUR

REPRESENTED BY HER POWER OF ATTORNEY HOLDER
SMTI ROONEE BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

8: SMT. MAYA BORTHAKUR
WIFE OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

9: DEVAJYOTI BORTHAKUR
SON OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

10: DEVASISH BORTHAKUR
SON OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

11: SMT. RUNJUN BORTHAKUR @ PHUKON
DAUGHTER OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

12: SMT. SANGEETA BORTHAKUR
DAUGHTER OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

13: SMT. ANJU BORTHAKUR
WIFE OF LATE MAKHAN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

14: AMBARISH BORTHAKUR
SON OF LATE MAKHAN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

15: SMT. AMBALIKA BORTHAKUR
DAUGHTER OF LATE MAKHAN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

16: JUNU BORTHAKUR
WIFE OF LATE AMULYA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

17: SMT. LEEMA BORTHAKUR
DAUGHTER OF LATE AMULYA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

18: SMT. SIMA BORTHAKUR @ MILEE BORTHAKUR
DAUGHTER OF LATE AMULYA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM

VERSUS

THE STATE OF ASSAM AND 16 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
JORHAT
DISTRICT- JORHAT
ASSAM.

3:THE ADDITIONAL DEPUTY COMMISSIONER (REVENUE)
JORHAT
- CUM- COMPETENT AUTHORITY
UNDER THE NATIONAL HIGHWAY ACT
1956
OFFICE OF THE DEPUTY COMMISSIONER
JORHAT.

4:DIPEN DUTTA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

5:DRUNA DUTTA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

6:NRIPEN DUTTA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

7:RATUL DUTTA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

8:DILIP SAIKIA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

9:DHRUBOJYOTI SAIKIA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

10:BAPORAM KALITA
SON OF KESHRAM KALITA

RESIDENT OF CHAKIHAT
RAJAMAIDAN
P.O.
P.S. AND DIST.- JORHAT

11:SMT. SARUMAIN KALITA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

12:NABAKANTA KALITA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA

JORHAT- 785001.

13:DEBO KALITA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

14:ABHIJIT KALITA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

15:BHOLARAM KALITA
SON OF LATE KESHRAM KALITA

RESIDENT OF CHAKIHAT
RAJAMAIDAN
P.O.
P.S. AND DIST.- JORHAT.

16:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS
TRANSPORT BHAWAN
1
PARLIAMENT STREET
NEW DELHI- 110001.

17:NATIONAL HIGHWAYS AUTHORITY OF INDIA
REGIONAL OFFICE GUWAHATI
NEDFI HOUSE
4TH FLOOR
G.S. ROAD
DISPUR
GUWAHATI- 781006.
ASSAM

Advocate for the Petitioner : MR. T J MAHANTA, MR B S DEKA,MR. A BORUA,MS. P BHATTACHARYA,MR. P S DEKA

Advocate for the Respondent : SC, REVENUE, MR. J I BORBHUIYA (r-10,12 to 15),MR. P BOIRAGI (r-10,12 to 15),MR. S J SARMAH (r-10,12 to 15),SC, NHAI,ASSTT.S.G.I.,GA, ASSAM

BEFORE

THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

Order

25.09.2024

The present writ petition is filed challenging an order dated 23.05.2016 passed in Case No. 70RA(J)/2016 by the Assam Board of Revenue as well as an order dated 30.06.2022 passed by the learned District Judge, Jorhat in LA case No. 01/2018.

The dispute involves claim of rights of acquisition compensation between petitioners herein and the respondent Nos. 10 to 15. The respondent Nos. 10 to 15 claims the compensation on the basis of ownership inasmuch as it is their case that their ownership right has been declared under Assam (Temporarily Settled Areas) Tenancy Act, 1971 and according to the petitioners such right could not have been declared to give the said respondents land acquisition compensation inasmuch as they raised their claim of ownership after issuance of notice under 3D of National Highways Act, 1956.

In view of the aforesaid, in the considered opinion of this court the record of TSA 17/2013 shall be required. Accordingly, Registry to call for the said record from the learned Additional Deputy Commissioner, Jorhat. The Registry is also to call for the records of LA case No. 01/2018 from the court of learned District Judge, Jorhat.

List the matter on 26.11.2024.

Interim order passed earlier shall continue until further order(s).

JUDGE

Comparing Assistant