

GAHC010185652023



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

Case No. : WP(C)/4978/2023

DIPAK SARMAH @ DEEPAK SARMA AND 11
S/O- LATE MAHENDRA SHARMA,
R/O- VILL- BARALIMARA,
P.O.- BEDETI, P.S.- BEHALI,
DISTRICT- BISWANATH, ASSAM.

2: NIPEN KAKATI
S/O- BABUL KAKATI

R/O- VILL.- LALPUKHURI

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

3: MANORANJAN SARKAR
S/O- LATE KULENDRA SARKAR

R/O- VILL. 2 NO. BARALIMARA

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

4: JITEN BORA @ JITEN BARUAH
S/O- MAHIDHAR BARUAH

R/O- VILL.- BARALIMARA

P.O.- BEDETI

P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

5: MAHENDRA BARUAH
S/O- NANDESWAR BARUAH

R/O- VILL.- BEDETI CENTRE

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

6: DIMBO BORAH @ DIMBA BORAH
S/O- KAMAL BORAH

R/O- VILL- BARALIMARA

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

7: BHOGESWARI DUARAH
C/O- MAINA DUARAH

R/O- VILL. BARAJULI GAON

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

8: SUBRATA DAS
S/O- MAKHAN DAS

R/O- VILL.- MARAN GAON

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

9: ANJU KAUR
W/O- PRITAM SINGH

R/O- VILL.- BARALIMARA

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

10: KAMAL GHOSH
S/O- LATE SANTOSH GHOSH

R/O- VILL.- BARALIMARA

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

11: KHAGEN DUWARA
S/O- PRADIP DUWARA

R/O- BARALIMARA

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM.

12: PAPPU LAHAN
ON BEHALF OF HIS DECEASED FATHER LATE BIPUL LAHAN

R/O 1 NO. BARALIMARA

P.O.- BEDETI
P.S.- BEHALI

DISTRICT- BISWANATH
ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE PUBLIC
WORKS (ROADS) DEPARTMENT (LOK NIRMAN BHIBHAG),
GOVT. OF ASSAM, PUBLIC WORKS ROADS DEPARTMENT,
GROUND FLOOR, BLOCK B, ASSAM SECRETARIAT,
DISPUR, GUWAHATI- 781006, ASSAM.

2:THE CHIEF ENGINEER
PWD (ROADS)
PUBLIC WORKS (ROADS) DEPARTMENT

OFFICE OF THE CHIEF ENGINEER

PWD(ROADS)

CHANDMARI
GUWAHATI- 781003

ASSAM.

3:JUNIOR ENGINEER
P.W.D. TEZPUR BUILDING DIVISION
TEZPUR
MAHABHAIRAB

TEZPUR
784001
ASSAM.

4:ASSTT. EXECUTIVE ENGINEER
PWD
BISWANATH CHARIALI
BUILDING SUB-DIVISION

BISWANATH CHARIALI

PIN- 784176.

5:THE DEPUTY COMMISSIONER
DISTRICT- BISWANATH
PIN- 784176.

6:THE CIRCLE OFFICER
BISWANATH CHARIALI REVENUE CIRCLE
BISWANATH CHARIALI
PIN- 784176.

7:NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED (NHIDCL)

REPRESENTED BY THE MANAGING DIRECTOR

3RD FLOOR
PTI BUILDING

4-PARLIAMENT STREET
NEW DELHI- 110001.

8:REGIONAL HEAD OF REGIONAL OFFICE OF NATIONAL HIGHWAYS AND
INFRASTRUCTURE DEVELOPMENT CORP. LTD.
(NHIDCL)

2ND FLOOR
AGNISHANTI BUSINESS PARK

GNB ROAD
OPP. SGP OFFICE

AMBARI
GUWAHATI

ASSAM- 781001

Advocate for the Petitioner : MR S C DAS

Advocate for the Respondent : SC, PWD

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

Date : 30-08-2023

Heard Mr. S.C. Das, learned counsel for the writ petitioners.

It is alleged in the writ petition that the shops of the petitioners were demolished by the authorities for construction of National Highway. As per law, the petitioners were entitle to receive compensation. However, notwithstanding several representations made by them and also a sit-in demonstration carried out by the petitioners demanding their right, no action has been taken in the matter till today. Hence, this writ petition.

Mr. C. Baruah, learned standing counsel, NHIDC as well as Mr. B. Choudhury, learned standing counsel, PWD have prayed for some time to obtain instruction in the matter.

Issue notice of motion returnable in 08 weeks.

Since Mr. B. Choudhury has accepted notice on behalf of respondent Nos. 1 to 2, Mr. J. Handique, learned Addl. Sr. Govt. Advocate, Assam has accepted notice on behalf of respondent Nos. 5 and 6 and Mr. C. Baruah has accepted notice on behalf of respondent Nos. 7 and 8, service of notice is deemed to be complete in this case.

Extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel so as to enable them to obtain instruction.

Respondents to file affidavit bringing their stand on record on or before the returnable date.

JUDGE

GS

Comparing Assistant