

GAHC010188762025



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

Case No. : WP(C)/5083/2025

MOZIBAR RAHMAN
S/O LT. ALAL UDDIN SK, R/O VILL- KUMARDIHI PART-II, P.O.- BILASIPARA,
P.S.- BILASIPARA, DIST- DHUBRI (ASSAM), PIN-783348

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVT. OF
ASSAM, REVENUE AND DISASTER MANAGEMENT DEPT., DISPUR, GHY-06

2:THE DISTRICT COMMISSIONER CUM DISTRICT COLLECTOR
DHUBRI
ASSAM

3:THE COMPETENT AUTHORITY FOR LAND ACQUISITION (CALA) CUM
ADC
DHUBRI DISTRICT
ASSAM

4:THE UNION OF INDIA
REPRESENTED BY THE MINISTRY OF RAILWAY DEPARTMENT
NEW DELHI-1

5:THE N.F. RAILWAY
REPRESENTED BY THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
P.O.- MALIGAON
DIST- KAMRUP (M)
ASSAM
GHY-11

6:THE SUB DIVISIONAL OFFICER
CIVIL
BILASIPARA
P.O. AND P.S.- BILASIPARA
DIST- DHUBRI
ASSAM
PIN-783348

7:THE CIRCLE OFFICER CUM ASSISTANT SETTLEMENT OFFICER
BILASIPARA REVENUE CIRCLE
BILASIPARA
P.O. AND P.S.- BILASIPARA
DIST- DHUBRI
ASSAM
PIN-783348

8:ABDUS SALAM
S/O LT. ALAL UDDIN SK
VILL- KAMARDIHI PT-II
P.O.- TILAPARA
P.S.- CHAPAR
DIST- DHUBRI (ASSAM)
PIN-78337

For the Petitioner(s) : Mr. M. U. Mahmud, Advocate

For the Respondent(s) : Mr. J. Handique, SC, Revenue
Mr. N. Goswami, Govt Advocate
Mr. S. S. Roy, Dy. SGI
Mr. S. Islam, Adocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

17.02.2026

Heard Mr. M. U. Mahmud, the learned counsel appearing on
behalf of the petitioner. Mr. J., Handique, the learned counsel

appears on behalf of the respondent No.1; Mr. N. Goswami, the learned counsel appears on behalf of the respondent Nos.2, 3, 6 & 7; Mr. S. S. Roy, the learned counsel appears on behalf of the respondent No.5 and Mr. S. Islam, the learned counsel appears on behalf of the respondent No.8.

2. The petitioner herein has approached this Court being aggrieved by the inaction on the part of the respondent No.2 in failing to refer the dispute pertaining to enhancement of compensation as is mandated under law.

3. This Court duly takes note of that the acquisition has been carried out in terms with the Assam Land (Requisition and Acquisition) Act, 1964. The land acquisition proceedings is registered as LA Case No.1/2022-23.

4. The materials on record further show that the grievance of the petitioner herein is that the petitioner was issued a notice that the compensation to which the petitioner would be entitled to was Rs.5,20,04,294/-. Subsequently, it has been determined that the petitioner's compensation was Rs.3,55,87,902/-. It is the case of the petitioner that the value of the land as well as the building standing thereupon have not been taken into consideration as per the mandate of the Right to Fair Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013, and more particularly, Sections 26 to 30 of the said Act of 2013. It is under such circumstances, the petitioner therefore filed an application seeking a reference on 21.04.2025.

5. The inaction on the part of the respondent No.2 to make a reference has constrained the petitioner to approach this Court by filing the present writ petition.

6. It is noticed that upon filing of the writ petition on 03.09.2025, notice was issued specifically observing that the pendency shall not be a bar upon the respondent No.2 to act on the application of the petitioner strictly in accordance of law.

7. Today, when the matter is being taken up, this Court sought for instructions as to why steps have not been taken in pursuance to the application submitted by petitioner on 21.04.2025, Mr. N. Goswami, the learned counsel submitted that the District Commissioner, Dhubri has already reassessed.

8. Under such circumstances, this Court enquired as to whether any award has been passed, which is the requirement as per law. No information in that regard has been placed.

9. Considering the above, list this matter again on 23.02.2026.

10. The respondents herein, more particularly the District Commissioner, Dhubri shall apprise this Court on the basis of

instructions as to whether an award has been passed in respect to LA Case No.1/2022-23, and if so, to produce the said award on the next date.

JUDGE

Comparing Assistant