

GAHC010209052025



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

Case No. : WP(C)/5554/2025

SULTAN ALI
S/O- LATE SURMAN ALI, R/O- VILL.- CHARUABAKHRA JONGAL BLOCK,
P.O. CHIRAKUTA, P.S. CHAPAR, DIST. DHUBRI, ASSAM

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, JANATA BHAWAN, ASSAM SECRETARIAT COMPLEX,
DISPUR, GUWAHATI-781006.

2:THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
PW DEPARTMENT (B)
DISPUR
GUWAHATI-781006.

3:THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
POWER DEPARTMENT
DISPUR
GUWAHATI-781006.

4:THE ASSAM POWER DISTRIBUTION COMPANY LTD.

REPRESENTED BY THE CHAIRMAN
BIJULI BHAWAN
PALTANBAZAR
GUWAHATI-1.

5:THE DISTRICT COMMISSIONER
DHUBRI
DIST. DHUBRI
ASSAM

6:THE ADDL. DISTRICT COMMISSIONER
DHUBRI
DIST. DHUBRI
ASSAM

7:THE EXECUTIVE ENGINEER
PWD (B)
DHUBRI
DIST. DHUBRI
ASSAM

8:THE CIRCLE OFFICER
CHAPAR REVENUE CIRCLE
CHAPAR
DHUBRI
ASSA

Advocate for the Petitioner : MR. J AHMED, MS A HUSSAIN,R BEGUM,H G DAISY

Advocate for the Respondent : GA, ASSAM, SC, APDCL,SC, PWD,SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 22.09.2025

Heard Mr. J. Ahmed, learned counsel appearing for the petitioner. Also heard Ms. M. Barman, learned government advocate appearing for the state respondents; Ms. N. Bordoloi, learned standing counsel appearing for the Revenue Department; Mr. K. P. Pathak, learned standing counsel appearing for the respondent No.4 and Mr. P. Nayak, learned standing counsel appearing for the respondent Nos.2 and 7.

Mr. J. Ahmed, learned counsel appearing for the petitioner, by drawing the attention of this court to paragraphs 14 and 15 of the writ petition, submits that though has come to know that an award has been made, whereby, compensation of Rs. 5,62,482.00/- has been fixed for compensation for the damage of the houses, however, the same is too low and the assessment has not been done in accordance with sections 26, 28 and 29 of the Right to Fair Compensation and Transparency in land acquisition, Rehabilitation and Re-settlement Act, 2013.

Ms. M. Barman, learned government advocate appearing for the state respondent, submits that if an award has already been made, then the instant writ petition is not maintainable in view of section 64 of the Right to Fair Compensation and Transparency in land acquisition, Rehabilitation and Re-settlement Act, 2013, which provides for a reference to the authority.

Be that as it may, let notice be issued, returnable in 4 (four) weeks, keeping the issue of maintainability open for adjudication.

Ms. M. Barman , learned counsel accepts notice on behalf of respondent No.3, 5, 6 and 8; Ms. N. Bordoloi, learned counsel accepts notice on behalf of respondent No.1; Mr. K. P. Pathak, learned standing counsel accepts notice on behalf of respondent No.4 and Mr. P. Nayak, learned standing counsel accepts notice on behalf of respondent Nos.2 and 7.

Let extra copies be served within a period of 3 (three) working days from today.

Re-list the matter after 4 (four) weeks on a date to be fixed by the Registry.

JUDGE

Comparing Assistant