

GAHC010234112024



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

Case No. : Hill.Appeal/1/2024

UNION OF INDIA AND 2 ORS.
REPRESENTED BY THE GENERAL MANAGER, N.F. RAILWAY, MALIGAON,
GUWAHATI 781011

2: THE CHIEF ENGINEER CON B.G.
N.F. RAILWAY
GUWAHATI.

3: THE DEPUTY CHIEF ENGINEER CON B.G.
N.F. RAILWAY
LUMDING
NAGAON

VERSUS

THE STATE OF ASSAM AND 15 ORS.
O BE REPRESENTED BY THE COMMISSIONER and SECY. TO THE GOVT.OF
ASSAM, DEPTT. OF WPT AND B.C. DISPUR, GUWAHATI-6

2:JOYDEB PHONGLO
G.B. OF MAHUR PHONGLO
VILL. MAHUR PHONGLO
P.O. DAUTUHAJA
P.S. MAIBANG
DIST. DIMA HASAO

3:MONOJ LANGTHASA
G.B. OF N. WADRENGDISA
VILL. N. WADRENGDISA
P.O. WADRENGDISA
P.S. MAIBANG
DIST. DIMA HASAO

4:AJEN URANG

G.B. OF SAMSERPUR
VILL. SAMSERPUR
P.O. DAUTUHAJA
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5:JATON BATHARI
G.B. OF JORAI BATHARI
VILL. JORAI BATHARI
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P.S. MAHUR
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6:LALTHANGTHOI HRANGKHOL
G.B. OF DIYUNG HRANGKHOL
VILL. DIYUNG HRANGKHOL
P.O. HAFLONG
P.S. HAFLONG
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7:MAHAKANTA DIBRAGEDE
B.G. OF PHAIDING
VILL. PHAIDING
P.O. DAUTUHAJA
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8:SOIJANON LANGTHASA
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9:PRODON KEMPRAI
G.B. OF SOBOJAN OLD
VILL. SOBOJAI OLD
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DIST. DIMA HASAO

10:SATYALAL THAOSEN
G.B. OF N. DILAOTGHAI
VILL.N. DILAOTHAI
DIST. DIMA HASAO

11:ROTEN THAOSEN
G.B. OF DILIMPUR

VILL. DILIMPUR
P.O. MANDERDISA
P.S. LANGTING
DIST. DIMA HASAO

12:JONHAM JOHORI
G.B. OF DIDUKI-I
VILL. DIDUKI-I
P.O. DAUTUHAJA
P.S. MAIBANG
DIST. DIMA HASAO

13:NIRONJAN KEMPRAI
G.B. OF DIDUKI-II
VILL. DIDUKI-II
P.O. DAUTUHAJA
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14:BIPUL LANGTHASA
G.B. OF N. SIMPLANGDISA
VILL. N. SIMPLANGDISA
P.O. MAIBANG
P.S. MAIBANG
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15:HAICHUMBE ZEME
G.B. OF NRISAMBANGLOW
VILL. NRIAMBANGLOW
P.O. MAHUR
DIST. DIMA HASAO

16:AFFECTED PEOPLES CO-ORDINATION COMMITTEE
RENAMED AS AFFECTED PEOPLES REHABILITATION COMMITTEE
REGISTERED BODY REPRESENTED BY ITS PRESIDENT SHRI PROBON
LANGTHASA
CONVENT ROAD
HAFLONG
DIMA HASAO DIST

Advocate for the Petitioner : DR. B N GOGOI, MS. R BEGOM

Advocate for the Respondent : GA, ASSAM, FOR CAVEATOR, MS. J KALITA, MR. R DHAR, MR
D C K HAZARIKA

Linked Case : **CRP(IO)/112/2021**

THE UNION OF INDIA AND 2 ORS.
REPRESENTED BY THE GENERAL MANAGER (CONSTRUCTION) NORTH
EAST FRONTIER RAILWAY MALIGAON
GUWAHATI 781011

2: THE CHIEF ENGINEER CON.
B.G. NORTH EAST FRONTIER RAILWAY MALIGAON
GUWAHATI 781011

3: THE DEPUTY CHIEF ENGINEER
(CON)
B.G. NORTH EAST FRONTIER RAILWAY
LUMDING

VERSUS

JOYDEEP PHONGLO AND 13 ORS.
G.B. OF MAHUR PHONGLO
VILL. MAHUR PHONGLO
P.O. DAUTUHAJA
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VILL. NRIAMBANGLOW
P.O. MAHUR
DIST. DIMA HASAO.

Advocate for : MR A DASGUPTA
Advocate for : MR R DHAR appearing for JOYDEEP PHONGLO AND 13 ORS.

Linked Case : **I.A.(Civil)/2275/2021**

JOYDEB PHONGLO AND 13 ORS
G.B. OF MAHUR PHONGLO
VILL. MAHUR PHONGLO
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VERSUS

THE UNION OF INDIA AND 2 ORS.
REPRESENTED BY THE GENERAL MANAGER (CONSTRUCTION) N. F.
RAILWAY MALIGAON
GUWAHATI 781011

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B.G. NORTH EAST FRONTIER RAILWAY MALIGAON
GUWAHATI 781011

3:THE DEPUTY CHIEF ENGINEER
(CON)
B.G. NORTH EAST FRONTIER RAILWAY
LUMDING

Advocate for : MR D C K HAZARIKA
Advocate for : MR G GOSWAMI appearing for THE UNION OF INDIA AND 2 ORS.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY
HONOURABLE MRS. JUSTICE YARENJUNGLA LONGKUMER

ORDER

Date : 14.07.2025

[Manish Choudhury, J.]

Heard Mr. A. Dasgupta, learned Senior Counsel assisted by Dr. B.N. Gogoi, learned counsel for the appellants and Mr. D.C.K. Hazarika, learned counsel for the respondent nos. 2 – 16. None has appeared for the respondent no. 1, State of Assam today on call.

2. The instant appeal is preferred against an Order dated 10.12.2013 passed by the learned Additional Deputy Commissioner & Deputy Commissioner In-Charge, Dima Hasao District, Haflong in Title Suit no. 6/2005. By the Order dated 10.12.2013, the claim application preferred by the respondent nos. 2 – 16 was allowed and the respondents, NF Railway through the General Manager was directed to make payment of a sum of Rs. 34,66,81,397/- to the affected persons-claimants within a period of 30 days from the date of the Order, failing which, the respondents would have to bear an interest @ 6% per annum from the date of filing of the claim application till 10.12.2013 and interest @ 9% per annum from 10.12.2013 till the date of actual payment.

3. The appeal has already been admitted for hearing.

4. It is submitted by Mr. Hazarika, learned counsel for the respondent nos. 2 – 16 that in the course of the proceedings of Title Suit no. 6/2005, the claimants had adduced oral evidence of 14 nos. of witnesses in the form of affidavit and exhibited a number of documentary evidence. It is submitted by Mr. Dasgupta, learned Senior Counsel appearing for the appellants that the documentary evidence was also adduced by the respondent Railway authorities.

5. We are of the considered view that for the purpose of adjudicating the appeal, the oral evidence in the form of affidavit and the documentary evidence led by the parties would fall

for consideration and appreciation. In such view of the matter, a Paper-Book containing evidence so adduced including the orders passed in T.S. no. 6/2005 would be essential.

6. The Registry shall prepare the Paper-Book which shall inter-alia include the evidence, oral evidence in the form of affidavits and the documentary evidence, the Order-Sheets including the Order dated 10.12.2013, passed in Title Suit no. 6/2005.

7. The learned counsel for the parties would be at liberty to place reliance on any relevant materials, available in the TCR, at the time of hearing.

8. The learned counsel for the parties have further submitted that the statutes and rules applicable are, the Assam Autonomous Districts [Administration of Justice] Act, 1960; the Assam Autonomous Districts Administration of Justice [Miscellaneous Provisions] Act, 1957; The Assam Administration of Justice in the Karbi Anglong District Act, 2009; and the North Cachar Hills Autonomous Districts [Administration of Justice] Rules, 1955.

9. List the cases on 13.08.2025 for a report as regards readiness of the Paper-Book.

JUDGE

JUDGE

Comparing Assistant