

GAHC010269562023



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

Case No. : WP(C)/6927/2023

PRANJAL PARASH HAZARIKA AND ANR
S/O LT SUREN HAZARIKA R/O TEKELA GAON P.O. AND P.S. TITABOR DIST.
JORHAT ASSAM PIN 785632

2: PRASANTA HAZARIKA
S/O LT SUREN HAZARIKA R/O TEKELA GAON P.O. AND P.S. TITABOR DIST.
JORHAT ASSAM PIN 78563

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP BY THE COMMISSIONER AND SECRETARY REVENUE AND DISASTER
MANAGEMENT DEPTT GOVT OF ASSAM DISPUR GUWAHATI 781006

2:INDRADHANUSH GAS GRID LTD
REP BY ITS CHAIRMAN AND MANAGING DIRECTOR HAVING ITS OFFICE
AT 7TH FLOOR NRL CENTRE 122A G S ROAD CHRISTIAN BASTI
GUWAHATI 781005 ASSAM

3:INDRADHANUSH GAS GRID LTD
REP BY DGM CONSTRUCTION SPREAD IN CHARGE DDPL GOLAGHAT
INDRADHANUSH GAS GRID LTD 7TH FLOOR NRL CENTRE 122A G S ROAD
CHRISTIAN BASTI GUWAHATI 781005 ASSAM

4:THE DISTRICT COMMISSIONER
JORHAT
DIST. JORHAT PIN 785010

5:THE CIRCLE OFFICER
TITABOR REVENUE CIRCLE DIST JORHA

Advocate for the Petitioner : MR B PUSHILAL

Advocate for the Respondent : SC. REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 01/12/2023

Heard Mr. B. Pushilal, learned counsel for the petitioners. Also heard Mr. A. Bhattacharyya, learned standing counsel, Revenue Department for respondent No.1 and Ms S. Sharma, learned Government Advocate for respondent Nos. 4 and 5.

2. This writ petition is filed by the petitioner aggrieved by the fact that only the compensation for damage to crops have been paid to the petitioner by the respondent Nos. 2 and 3 for laying down of pipelines on a land stated to be under his occupation.

3. Learned counsel for the petitioner submits that under Section 21 of the Assam (Temporarily Settled Area) Tenancy Act, 1971, there is a right that has accrued to him, and in that context, he has filed necessary applications by the respondent Nos. 2 and 3 before the Circle Officer, Titabor Revenue Circle. And on that the order dated 17.11.2023 was passed whereby the Circle Officer held that the petitioners are not the landowners, and compensation of land, if any, is required to be paid only to the pattadar and not to any other occupant. The petitioners were directed not to interfere with the installation of pipeline on such land. Being aggrieved, the present petition has been filed.

4. Issue Notice returnable within 4 (four) weeks.

5. Steps of respondent Nos. 2 and 3 be taken by Registered post with A/D within 1 (one) week from today.

6. The pendency of the writ petition will not be a bar for the respondent Nos. 4 and 5 to decide on the right of the petitioner to receive compensation as claimed by considering their rights under Section 21 of the Assam (Temporarily Settled Area) Tenancy Act1, 1971.
7. The question of whether the further compensation is payable to the petitioner will be decided in the writ petition.
8. List this matter again on 10th January, 2024.

JUDGE

Comparing Assistant