

GAHC010278552024



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

Case No. : WP(C)/467/2025

SONESH HOJAI AND 21 ORS
S/O JAYPURNA HOJAI
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO,ASSAM
PIN-788819

2: DISORON NONISA
S/O LT. NOHAM NONISA
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

3: JUGARAM JIDUNG
S/O LT. GONESHORON JIDUNG
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

4: JITENDRA LONGMALAI
S/O LONGKISWAR LONGMAILAI
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

5: RODESH LONGMALAI
S/O LONGKISWAR LONGMAILAI
R/O LONGKUKRO

P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

6: PRABIT DIBRA
S/O JATIN DIBRA
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

7: RAJEN ENGLENG
S/O ORIWEL ENGLENG
R/O CHOTO LARPHENG
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

8: SIMON TERANG
S/O LT.SANGREK TERON
R/O CHOTO LARPHENG
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

9: ELISH TIMUNG
S/O SARTHE TIMUNG
R/O CHOTO LARPHENG
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

10: AGUSTINE RONGHANG
S/O LT.RAM RONGHANG
R/O CHOTO LARPHENG
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

11: JOSEP MILICK
S/O ABUL MILICK
R/O LONGKUKRO

P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

12: DARWELL RONGHI
S/O RAMSUNG RONGHI
R/O CHOTO LARPHENG
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

13: TIMAJOS TERANG
S/O BIREN TERANG
R/O CHOTO LARPHENG
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

14: SARBONG TERON
S/OLT. MENSU TERON
R/O CHOTO LARPHENG
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

15: BIREN TERANG
S/O LT. THARE TERANG
R/O CHOTO LARPHENG
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

16: LODESH JIDUNG
S/O SARGESH JIDUNG
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

17: MONJIT DAULAGUPA
S/O MOHON DAULAGUPA
R/O JEMBRU

P.O. AND P.S.HAFLONG

DIST.DIMA HASAO
ASSAM
PIN-788819

18: APHONJIT LANGTHASA
S/O MAIJARAM LANGTHASA
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

19: RANGKOL HOJAI
S/O RAM MOHAN HOJAI
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

20: RANJIT PHONGLO
S/O JOYBOLO PHONGLO
R/O THAOSENPUR
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

21: JOYPUENO HOJAI
S/O LATE LADON HOJAI
R/O LONGKUKRO
P.O.AND P.S. UMRONGSO
DIST.DIMA HASAO
ASSAM
PIN-788819

22: RANGNON LANGTHASA
S/O LT. DANTHAU LANGTHASA
R/O HAFLONG TOWN BLK IT (BAZAR)
P.O.AND P.S. HAFLONG
DIST. DIMA HASAO
ASSAM
PIN-78881

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPTT. DISPUR, GUWAHATI,
PIN-781006

2:THE NORTH CACHAR HILLS AUTONOMOUS COUNCIL (NCHAC)

REPRESENTED BY THE PRINCIPAL SECRETARY
(N)
HAFLONG
DIMA HASAO
PIN-788819

3:THE EXECUTIVE MEMBER

I/C SETTLEMENT AND REVENUE DEPARTMENT
NCHAC
HAFLONG

DIMA HASAO
PIN-788819

4:THE SECRETARY REVENUE
I/C SETTLEMENT AND REVENUE DEPARTMENT
NCHAC
HAFLONG

DIMA HASAO

PIN-788819

5:THE ADDITIONAL SECRETARY REVENUE DEPARTMENT

NCHAC
HAFLONG

DIMA HASAO
PIN- 788819

6:ASSISTANT REVENUE OFFICER

REVENUE DEPARTMENT

NCHAC
UMRANGSO
DIMA HASAO

PIN-788931.

7:M/S MAHABAL CEMENT PVT. LTD.
BL-C10
5TH FLOR
FL-504
B1-90A/A1 NEW B.B.T. ROAD

SARDENGABAD EDEN CITY
KOLKATA
WEST BENGAL
PIN- 700137
REGISTERED OFFICE ADDRESS- 7
COUNCIL HOUSE STREET

2ND FLOOR
KOLKATA
WEST BENGAL
PIN-70000

Advocate for the Petitioner : MR. A I KATHAR, MR. A RONGPHAR

Advocate for the Respondent : SC, REVENUE, SC, D H A COUNCIL

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

05.02.2025

Heard Mr. A.I. Kathar, learned counsel for the petitioners and Ms. P.R. Mahanta, learned Standing Counsel, Revenue & Disaster Management Department for the respondent no. 1.

2. The petitioners, 22 in nos., have claimed that they are land owners of different parcels of land in the villages - Nobdi Longku Kro and Chotolarpheng – near Umrangso Town in the District - Dima Hasao. The villages of the petitioners situate approximately between 23 km and 26 km distance from Umrangso Town. The respondent Dima Hasao Autonomous Council authorities have recently allotted a total of three thousand bighas of land for the purpose of construction of a cement plant to the private respondent no. 7.

3. Mr. Kathar, learned counsel for the petitioners has contended that the parcels of land of three thousand bighas have been allotted to the respondent no. 7 by the respondent Dima Hasao Autonomous Council authorities without properly demarcating the areas/boundaries. After the allocation, the respondent no. 7 has started constructing roads, plant, etc., and in the process, the petitioners' parcels of land situated in the villages, have been damaged. The learned counsel for the petitioners has further submitted that no procedure has been adopted by the respondent authorities in assessing the compensation amounts and few of the petitioners have been paid a lumpsum amount of Rs. 2 lakhs by the respondent Dima Hasao Autonomous Council. Thus, the procedure adopted by the respondent Dima Hasao Autonomous Council authorities are clearly arbitrary in nature.

4. Issue notice, returnable in 28.02.2025.

5. As Ms. Mahanta, learned Standing Counsel, Revenue & Disaster Management Department has appeared and accepted notice on behalf of the respondent no. 1, issuance of formal notice to the said respondent stands dispensed with. The learned counsel for the petitioners shall furnish an extra copy of the writ petition along with annexures to Ms. Mahanta within 2 [two] days from today.

6. The learned counsel for the petitioners shall serve requisite nos. of extra copies of the writ petition along with annexures to the learned Standing Counsel, Dima Hasao Autonomous Council for the respondent nos. 2, 3, 4, 5 & 6 within a period of 2 [two] weeks from today.

7. The petitioners shall take steps for service of notice upon the respondent no. 7 by registered post with A/D within 2 [two] weeks from today.

8. On the next date of listing, the respondents shall place instructions before the Court regarding the manner in which the areas of land, near the parcels of land belonging to the petitioners, measuring three thousand bighas have been allocated to the respondent no. 7 have been demarcated.

9. List the case on 28.02.2025.

JUDGE

Comparing Assistant