

GAHC010278552024



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(s): Mr. AI Kathar

Advocate for the respondent(s): Mr. D Saikia, Advocate General Assam

Mr. RM Das, Standing Counsel

NC Hills Autonomous Council

Mr. PK Goswami, Senior Advocate

Ms. G Goswami for respondent No.7

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

01.04.2026

Heard Mr. AI Kathar, the learned counsel appearing on behalf of the petitioners. I have also heard Mr. D Saikia, the learned Advocate General Assam, assisted by Mr. RM Das, the learned Standing Counsel, NC Hills Autonomous

Council; Mr. PK Goswami, the learned Senior Counsel, assisted by Ms. G Goswami, the learned counsel appearing on behalf of the respondent No.7.

2. Pursuant to the order passed by this Court on 18.02.2026, an affidavit has been filed by the respondent No.4. At paragraph No.3 of the said affidavit, it is mentioned that the boundary of the village Choto Larpheng can be traced to the communication dated 16.01.1982 issued by the then Additional Secretary, North Cachar Hills Autonomous Council (for short, 'the NCHAC'), and the distance from the new Choto Larpheng village to the proposed allotment site of the respondent No.7 is approximately 3 kilometers. This aspect is further shown by way of a Sketch map obtained from the Google Earth as it appears from Annexure-2 to the said affidavit.

3. It is, however, very interesting to observe that at paragraph No.3 of the said affidavit, it is categorically mentioned that on the basis of the communication dated 16.01.1982, the boundary of Choto Larpheng village was delineated. On the other hand, at paragraph No.4 of the said affidavit, it is mentioned that the boundary of the village, namely Nobdi Longkukro is yet to be delineated by the authorities of the NCHAC. It is further mentioned that the distance between the proposed allotment site of the respondent No.7 and the Nobdi Longkukro village is 500 meters. Be that as it may, it is seen from Annexure-2 to the said affidavit that the boundary of the Nobdi Longkukro village is also reflected in the sketch map which is taken out from Google Earth.

4. The learned counsel appearing on behalf of the petitioners submitted that if the Nobdi Longkukro village is at a distance of 500 meters from the proposed allotment which was made in favour of the respondent No.7, then what was the necessity for the Additional Secretary, Revenue, to write a communication to the Director of the respondent No.7 on 12.04.2024 seeking payment of the *Zirat*

compensation to the tune of Rs.4,94,54,000/-.

5. The learned counsel for the petitioners further referred to the assessment of the Zirat compensation, which was enclosed to the said communication dated 12.04.2024 and submitted that the Zirat compensation was in respect to the village Nobdi Longkukro (26 km) Umrangso.

6. Mr. PK Goswami, the learned Senior Counsel appearing on behalf of the respondent No.7 drew the attention of this Court to the affidavit-in-opposition filed by the Secretary Revenue Department, Dima Hasao Autonomous Council, in PIL No.49/2024, and specifically referred to paragraph No.7 of the said affidavit, wherein it is reflected that a meeting of the Executive Committee of the Dima Hasao Autonomous Council was held on 05.09.2024 and in terms of the Resolution No.12, land measuring 3,000 bighas situated all along Garampani-Lanka Road in between 26 kilometers to 29 kilometers, which was earlier allotted for establishment of the Industrial Estate was re-allotted to the respondent No.7 for setting up of the Cement plant. The learned Senior Counsel appearing on behalf of the respondent No.7, therefore, submitted that the communications which were issued by the Additional Secretary Revenue to the Director of the respondent No.7 was in respect to the earlier allotment made in favour of the respondents vide the Office letter dated 02.03.2024, which was in relation to 2,000 bighas of land, which was cancelled. In that regard, therefore, the learned Senior Counsel submitted that the 2,000 bighas of land which was earlier allotted to the respondent No.7 may have been a part of the Nobdi Longkukro village. However, the 3,000 bighas of land which have been allotted to the respondent No.7 in the meeting dated 05.09.2024 is outside the said 2,000 bighas of land which was earlier allotted.

7. Mr. D Saikia, the learned Advocate General, Assam appearing on behalf of

the Dima Hasao Autonomous Council further submitted that in view of the PIL No.49/2024, the allotment which was made earlier on 02.03.2024 in favour of the respondent No.7 was cancelled as there were inhabitants therein and there was a question of payment of *Zirat* compensation. Subsequently, a decision was taken to allot 3,000 bighas of land to the respondent No.7 out of the 6000 bighas of land primarily allotted to the Industrial Estate of NCHAC. He further submitted that the 3000 bighas of land is an area where there are no inhabitants and as such the question of payment of *Zirat* compensation would not arise.

8. The learned Advocate General emphasized that the presently allotted 3,000 bighas to the respondent No.7 is a part of the 6000 bighas of land, which was specifically reserved for the Industrial Estate of the NCHAC.

9. From the above, this Court raises the following queries upon the Dima Hasao Autonomous Council:

(i). As to on what basis the sketch of Nobdi Longkukro Village, as appearing in the Sketch Map enclosed as Annexure-2 to the affidavit filed by the respondent No.4 on 11.03.2026 was prepared?

(ii). Whether the said Sketch map was prepared showing the Sketch of Nobdi Longkukro village on the basis of GPS Coordinates, and if so, whether there are contemporary records which would enable fixing of GPS Coordinates?

(iii). Whether the 3000 bighas of land which have been allotted to the respondent No.7 in the Executive Committee Meeting of the NCHAC held on 05.09.2024 is a part of the 2000 bighas of land which was earlier allotted to the respondent No.7 by the Office letter dated 02.03.2024?

10. In respect to the aforesaid queries, the respondent No.4 is directed to bring on record their stand by filing an affidavit.
11. List this matter again on 06.05.2026.
12. The affidavit be filed on or before 04.05.2026.

JUDGE

Comparing Assistant