

GAHC010285182023



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

Case No. : WP(C)/7435/2023

MD ALTAB HUSSAIN @ MD ALTAB HUSSAIN BARBHUIYA
S/O- MD NAJIM UDDIN BARBHUIYA, R/O- HOUSE NO. 253, VILLAGE AND
P.O. BORBALI, P.S. MURAJHAR, DISTRICT- HOJAI, ASSAM, PIN CODE-
782481

VERSUS

THE STATE OF ASSAM AND 4 ORS
THROUGH- THE COMMISSIONER AND SECRETARY, TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DISPUR, GUWAHATI- 781006

2:THE DISTRICT COMMISSIONER
HOJAI SANKARDEV NAGAR
HOJAI
DISTRICT- HOJAI
ASSAM
PIN CODE- 782442

3:THE ADDITIONAL DISTRICT COMMISSIONER (REVENUE)
HOJAI SANKARDEV NAGAR
HOJAI
DISTRICT- HOJAI
ASSAM
PIN CODE- 782442

4:THE CIRCLE OFFICER
VILLAGE AND P.O. DOBOKA
DISTRICT HOJAI ASSAM
PIN CODE- 782440

5:THE EXECUTIVE ENGINEER

PWD HOJAI DISTRICT TERRITORIAL BUILDING DIVISION
VILLAGE AND P.O. HOJAI
DISTRICT- HOJAI
ASSAM
PIN CODE- 78243

Advocate for the Petitioner : MD. I HUSSAIN

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

21.12.2023

Heard Mr. I. Hussain, learned counsel for the petitioner; Mr. A. Bhattacharjee, learned Standing Counsel, Revenue Department for the respondent no. 1; Ms. S. Baruah, learned Junior Government Advocate, Assam for the respondent ns. 2 – 4; and Ms. M. Das, learned Standing Counsel, PWD for the respondent no. 5.

2. In this writ petition, the petitioner has projected that the petitioner is a co-owner of a RCC building standing on a plot of land, covered by Dag no. 61 & K.P. Patta no. 117, situate at Debosthan Bazar, Mouza – Nomati, Hojai Revenue Circle. It is the case of the petitioner that in order to acquire land for a project of construction/widening of State Highway no. 19 from Hamren Tumpreng via Nilbagan, Murajhar to Howraghat Karkok Road under Assam Mala Project, a part of the RCC building in respect of which the petitioner is a co-owner, has been assessed for acquisition and the respondent no. 5 submitted a statement assessing the compensation amounts to be payable to each of the co-owners including the petitioner. The petitioner has asserted that the respondent no. 5 has assessed a compensation amount of Rs. 12,42,515/-.

2.1. The petitioner has contended that though other two co-owners of the RCC building have been disbursed the compensation amounts towards acquisition of land and *zirat*, the petitioner has not been disbursed any amount towards compensation for his part of the RCC building. It is stated that when representations submitted by the petitioner before the different authorities did

not evoke any response, the petitioner has been constrained to prefer the instant writ petition under Article 226 of the Constitution of India seeking *inter alia* a direction to the respondent authorities to make payment of compensation amount, as entitled under the law, to the petitioner as a co-owner of the land and the RCC building, which have been acquired for the project.

3. Issue notice, returnable in 4 [four] weeks.

4. As all the respondents have appeared and accepted notices through the learned counsel, no formal notice need to be issued to the respondents. The learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petition along with the annexures, each to the learned counsel for the respondents within 3 [three] working days from today.

5. It is observed that the respondent authorities prior to undertaking any process for demolishing the RCC building in question, should make proper survey as per law.

6. The name of the Government Advocate, Assam be reflected in the respondents' side in the cause-list.

7. List the case after 4 [four] weeks.

JUDGE

Comparing Assistant