



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

Case No. : WP(C)/94/2022

SHRI. THEJAO SEKHOSE
S/O LATE KEDUOKIETUO SEKHOSE
PERMAMEMNT ADDRESS- KENUOZOU COLONY, NORTH BLOCK, WARD-3,
T.KHEL , KOHIMA VILLAGE
PRESENT ADDRESS- TSURU COLONY, SECU ZUBZA, KOHIMA NAGALAND

VERSUS

UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY, MINISTRY OF ROAD, TRANSPORT AND
HIGHWAYS, NEW DELHI- 1100012:THE MANAGING DIRECTOR
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED(NHIDCL)
3RD FLOOR
PTI BUILDING
4-PARLIAMENT STREET
NEW DELHI

3:THE GENERAL MANAGER
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED (NHIDCL) PROJECT MONITORING UNIT- DIMAPUR
1ST FLOOR
H/NO-63 (A)
NST COLONY
BEHIND CITY TOWER
DIMAPUR NAGALAND

4:THE STATE OF NAGALAND
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVT. OF NAGALAND

KOHIMA NAGALAND

5:THE DEPUTY COMMISSIONER
KOHIMA NAGALAND

6:THE SUB-DIVISIONAL OFFICER (CIVIL)
SECU ZUBZA
KOHIMA NAGALAN

Advocate for the Petitioner : ALEZO KIRE, T. KHEZHIE,ZAKATO
CHISHI,BELINDA,ROVIMENO THOU

Advocate for the Respondent : CGSC, CHUBA IMCHEN,KONLI
BUCHEM,SENTIYANGER,V ANNE THERIE (R/No-1,2,&3)

BEFORE
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

ORDER

04.02.2025

Heard Mr. T Khezhie, learned counsel for the petitioner and Mr. Senti Yanger, learned counsel for the respondent Nos. 1 to 3. Also heard Mr. Imti Imsong, learned Government Advocate, Nagaland for the respondent Nos. 4 to 6.

2. Matter relates to compensation for the damages done to the land of the petitioner while constructing 4 lane highway from Dimapur to Kohima at village-Tsuru Colony, Secuzubza, District-Kohima.

3. The land involved in the case is outside the right of way of the National Highway-29. The petitioner duly received compensation for his land that was taken over for construction of the said 4 lane NH-29, but while constructing the said highway outside the right of way, the construction company transported

and plied over his private road through his land and disconnected his approach road from the said highway for which he could not transport building materials for construction of his house to his said property.

4. The prayer made by the petitioner in this writ petition in May, 2022 was with regard to restoring the private approach road connecting it to the highway and to make proper assessment of the damaged properties and pay adequate compensation to him for his RCC building, Piggery structures and terrace field damaged during the construction of said 4 lane NH Highway-29 from Dimapur to Kohima.

5. It is seen that the petitioner at Para-7 of the writ petition admitted the fact that it is the Gayatri Private Limited who was the contractor appointed for executing the works of constructing the said highway, but said Gayatri Pvt. Ltd. is not a party respondent in the present proceeding and instead of said Gayatri Pvt. Ltd., the petitioner made Oasis Technocons Private Limited as party respondent No. 7, which was later struck off as per order of the Court dated 14.05.2024 passed in I.A.(Civil) No. 33/2024.

6. The respondent NHIDCL by filing an additional affidavit in the matter on 05.09.2024 brought it to the notice of the Court that as per the agreement between NHIDCL and said Gayatri Pvt. Ltd., it is the said contractor, i.e., Gayatri Pvt. Ltd. which was supposed to pay the damages/compensation that was caused by the contractor's activities during the construction phase and that it is not the NHIDCL who is required to pay such damages/compensation for any such methodology adopted by the contractor concerned while constructing the said highway.

7. As per Article 3 of the EPC contract agreement between the NHIDCL and said Gayatri Pvt. Ltd., the said contractor bears full responsibility, liability and indemnity for the care of the works and materials from the appointed date until issuance of the provisional certificate/completion certificate.

8. After long deliberation of the matter, Mr. T Khezhe, learned counsel for the petitioner prays for adjournment of the matter for a period of two weeks.

9. Prayer is allowed.

10. List this matter after **2 (two) weeks**, on a date to be fixed by the Registry.

JUDGE

Comparing Assistant