

GAHC020005592023



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

Case No. : WP(C)/236/2023

MR. IMISENBA
S/O IMSUMEREN, R/O MERANGKONG VILLAGE,
P.O. TULI, PIN-798618, MOKOKCHUNG NAGALAND

VERSUS

THE UNION OF INDIA AND 7 ORS
REPRESENTED BY THE SECRETARY, TO THE
GOVT. OF INDIA, MINISTRY OF ROAD, TRANSPORT AND HIGHWAYS-
NEW DELHI- 110001

2:THE COMMISSIONER AND SECRETARY TO THE
GOVT. OF NAGALAND
ROAD TRANSPORT AND HIGHWAYS DEPARTMENT
P.O. AND P.S. KOHIMA
KOHIMA NAGALAND

3:THE CHIEF ENGINEER
PWD (NATIONAL HIGHWAY)
KOHIMA NAGALAND

4:THE EXECUTIVE ENGINEER
PWD NATIONAL HIGHWAY DIVISION-II
MOKOKCHUNG
P.O. MOKOKCHUNG
NAGALAND

5:THE EXECUTIVE ENGINEER
PWD (R AND B)FEEDER ROADS DIVISION TULI NAGALAND
MOKOKCHUNG NAGALAND-798618

6:THE DEPUTY COMMISSIONER
MOKOKCHUNG NAGALAND

7:THE ADDITIONAL DEPUTY COMMISSIONER
TULI NAGALAND

8:THE SUB DIVISIONAL OFFICER
O/O THE DEPUTY COMMISSIONER
MOKOKCHUNG NAGALAN

Advocate for the Petitioner : K. TSUKRU

Advocate for the Respondent : CGSC

BEFORE
HON'BLE MR. JUSTICE KAKHETO SEMA

ORDER

Date : 17-10-2023

Heard Ms. Mira Borah, learned counsel for the petitioner.

The case of the petitioner in brief is that the respondent No. 1 had proposed to construct/widen the N.H-02 from 168.000 Km to 183.783 Km (Yisemyong to Unger) on the Mokokchung-Tuli Section of the highway under EPC Mode in the State of Nagaland. By the letter dated 08.12.2020, the Executive Engineer, PWD, N.H Division-II, Mokokchung, Nagaland, requested the Deputy Commissioner, Mokokchung to grant Right of Way at the earliest for completion of the project within the time schedule. The SDO(Civil) in the Office of the Deputy Commissioner, Mokokchung, Nagaland, also wrote the letter dated 10.12.2020 to the Addl. Deputy Commissioner, Tuli, Nagaland, requesting for obtaining No Objection Certificate from all the villages which were to be affected during the process of widening of road from Km 185 (Unger) to Km 220.000 (Assam Rifles Gate, Tuli). Pursuant thereto, the SDO(Civil) in the Office of the Deputy Commissioner, Mokokchung, Nagaland, issued the circular dated 13.01.2021 informing that the joint verification will be conducted on 18.01.2021 to assessed damage to the structures and properties during widening of N.H-02 to 2 lane from Km 156.000 (DEF) to 168.000 (Yisemyong) and from Km 185.000 (Unger) to Km 220.000 (Assam Rifle Gate, Tuli).

The case of the petitioner is that the land and houses belonging to the petitioner is located at NH-02 at 217 Km measuring 4 hac. It is further the case of the petitioner that during the widening of the National Highway, the land and the house of the petitioner were not acquired though the land and property of the petitioner is only about 2 ft from the road proposed to be constructed/widen, though, the land and house belonging to other which is about 20 ft. away from the road has been acquired. Against the non acquisition of the land and house of the petitioner, the petitioner has submitted the representation dated 03.06.2023 to the Chief Engineer, National Highway, Nagaland, Kohima, however, the same has not evoked any response.

Being aggrieved by non acquisition of the petitioner's land and buildings, the petitioner is before this Court by filing the present writ petition.

Issue notice to the respondents returnable within 4(four) weeks.

Mr. V. Zhimomi, learned Government Advocate appears for the respondent No. 2 to 8 and therefore, no formal notice need be issued to the State respondents. The learned counsel for the petitioner shall however serve the requisite copies of the writ petition to the learned Government Advocate within a period of 3 days from today.

Insofar as the respondent No. 1 is concerned, the learned counsel for the petitioner shall take steps for service of notice by registered post with AD within a period of 3 days from today.

List it after **4(four) weeks.**

Sd/-

JUDGE

Comparing Assistant