



GAHC030002002019



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

Case No. : WP(C) 37/2019

1:B. Lalzawmliana
Bukpui-796075, Kolasib District, Mizoram

2: Thuamhluna
Bukpui-796075
Kolasib District
Mizoram

3: PC. Thanghuama
Bukpui-796075
Kolasib District
Mizoram

4: Lalliantluanga
Bukpui-796075
Kolasib District
Mizoram

5: Lalliantluanga
Legal Representative of Pasena (L)
Bukpui-796075
Kolasib District
Mizora

VERSUS

1:State of Mizoram
R/b The Chief Secretary to the Government of Mizoram, Aizawl-796001

2:The Secretary To the Government of Mizoram
Land Revenue and Settlement Department
Aizawl-796001



3:The Deputy Commissioner/ District Collector
Kolasib District-796081
Mizoram

4:The Secretary
The Government of Mizoram. Public Works Department
Aizawl-796001

5:The Engineer-in- Chief
Public Works Department
Government of Mizoram
Aizawl-79600

Advocate for the Petitioner : Ms Dinary T Azyu

Advocate for the Respondent : Mr C Zoramchhana

**BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO**

ORDER

Date : 03-12-2020

5 (five) petitioners are before this Court claiming that their lands were acquired for construction and upgradation of Serkhan to Bagha road. Draft Award No. 3 of 2014 was prepared by the District Collector, Kolasib and the same was approved by the State Govt. in the Revenue Department on 21.05.2015. However, before the compensation could be paid to the land owners, W.P.(C) No.167/2017 was filed by Co-Ordination Committee, Serkhan to Bagha road alleging that they are certain false claims made by numerous land owners while genuine affected persons were denied compensation. This Court vide Order dated 19.03.2018 disposed the writ petition with a direction to the respondents to take into consideration the faulty process which inadvertently cropped up in the final compensation list and complete the process both for identification of the actual affected persons and the subsequent disbursal of the compensation within a period of 2 (two) months from the date of receipt of a copy of the order.



2. Thereafter, a verification was organized by the District Collector, Kolasib District *with effect from 18th to 23rd April 2018*, asking the affected land owners to be present for the verification. According to the petitioners, the land of the petitioner No.1 was verified on the spot on 11.05.2018 and the remaining petitioners on 25 & 26 of April 2018 in the presence of various officials including the Sub-Deputy Commissioner (SDC) and the representatives of the Public Works Department. The petitioners contend that on the date of the spot verification, there was no dispute with regard to their claims entitlement in terms of the assessment already made vide Award No. 3 of 2014. However, when the list of re-assessment were published, the amount of compensation payable to the petitioners was drastically reduced without assigning any reason. Therefore, they have filed the instant writ petition claiming that they should be paid compensation in terms of Award No. 3 of 2014 which was duly verified and approved by the respondents themselves.

3. Against the writ petition, the State respondents have filed a common affidavit. In reply to the averment made by the petitioners that their respective share of compensation was drastically reduced, the said respondents at paragraph 10 of the affidavit have stated as follows :-

“10. That with regard to the statement made in paragraph No.9 of the writ petition, I say that the re-assessment was conducted with all stakeholders present at the time of verification. That the affected parties could have objected but thus abstained at the time of re-verification. That the joint verification and assessment is deemed to be more accurate being broad based with all stakeholders on board. After re-verification, it is learnt that the actual area of land to be acquired from Pu B. Lalzawmliana is 67788 sq.ft. and in respect of Pu Pasena is 5733.33 sq.ft. This has similar consequence with the amount of



compensation determined.”

6. From the above abstract, it is seen that the respondents have contended that the actual area of land acquired from the petitioner No.1 and petitioner No.2 in particular are smaller than what was actually assessed in the Award No. 3 of 2014. However, on perusal of the Award No.3 of 2014 at annexure 2 of the writ petition and the revised assessment at annexure-6 of the writ petition, there is no mention about the area of land acquired from the land owners except for petitioner No.1. What is mentioned is only the value of crops and in the re-assessment, solatium and interest payable is added. Therefore, the basis of the re-assessment has not been disclosed by the Collector. There is also no mention about the area of each land that was acquired.

5. In view of above, the Secretary to the Govt. of Mizoram, Revenue Department (respondent No.2) shall file an affidavit within a period of 6 (six) weeks from today clarifying the points raised as above. The learned Addl. Advocate General Mr. C. Zoramchhana shall also produce the records of the District Collector, Kolasib District in respect of the Award No. 3 of 2014 and the re-assessment as well on the next Court date.

6. List the matter again **on 22.01.2021.**

7. A copy of this Order be furnished to Mr. C. Zoramchhana, learned Addl. Advocate General for doing the needful.

JUDGE

Comparing Assistant