



GAHC030002002019



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

Case No. : WP(C)/37/2019

Sh. B. Lalzawmliana and 4 Ors
Bukpui-796075, Kolasib District, Mizoram 2: Thuamhluna

3: PC. Thanghuama

4: Lalliantluanga

5: Lalliantluang

VERSUS

State of Mizoram and 4 Ors
R/b The Chief Secretary to the Government of Mizoram, Aizawl-796001 2:The
Secretary To the Government of Mizoram

3:The Deputy Commissioner/ District Collector

4:The Secretary

5:The Engineer-in- Chie

Advocate for the Petitioner : Ms Dinari T Azyu

Advocate for the Respondent : Addl. AG/GA, Mizoram for R 1-5



Advocates for the petitioners : Ms. Dinari T Azyu, Sr. Advocate
Mr. K Roland
Mr. Victor L Ralte

Advocates for the respondents : Ms. Lalnunhlui, GA

BEFORE

HON'BLE MR. JUSTICE NELSON SAILO

Date on which judgment is reserved : 22.04.2026

Date of pronouncement of judgment : 25.04.2026

Whether the pronouncement is of the : No
operative part of the judgment ?

Whether the full judgment has been : Yes
pronounced?

JUDGMENT & ORDER (CAV)

(Nelson Sailo, J)

Heard Ms. Dinari T. Azyu, learned Senior counsel assisted by Mr. Victor L Ralte, learned counsel for the petitioners and Ms. Lalnunhlui, learned Govt. Advocate for the respondents.

[2.] The petitioners who are five (5) in numbers have filed the instant writ petition claiming that they are the genuine owners of the respective lands located at Bukpui village within the district of Kolasib in the state of Mizoram. The nature of their land holding is either by way of Periodic Patta or by way of Village Council Passes which have been issued by the competent authority.



[3.] The State Government in the Public Works Department has undertaken the acquisition of land measuring 115.20 km in length for up-gradation of Serkhan to Bagha road under the provisions of the Land Acquisition Act, 1894 (LA Act). As a result of the proposed up-gradation of the road, the land of the petitioners, apart from other similarly situated persons, have been affected and as stated earlier, the land of the petitioners falls within the Bukpui village, which has been marked as Part-F Bukpui village by the District Collector concerned. The District Collector upon completing the formalities as required under the LA Act came up with Draft Award No. 3/2014 for Part-F Bukpui village and the assessment was to the tune of Rs. 2,57,25,966/- and duly signed by the him on 23.04.2015.

[4.] As per the Draft Award, the petitioner No. 1 in respect of his Periodic Patta No. 53/2006 for the value of crops was assessed as Rs. 29,58,876/-. In respect of his other land covered by Periodic Patta No. 53/2006, the area of land to be acquired was shown as 106524 sq.ft., and for which a sum of Rs. 15,97,860/- was assessed towards land value. In respect of petitioner No. 2 who possessed Periodic Patta No. 229/2009, a sum of Rs. 3,55,950/- has been assessed towards the value of crops. In respect of petitioner No. 3, who is the holder of VC Pass No. 6/1994, a sum of Rs. 4,83,016/- has been assessed



towards the value of crops. In respect of petitioner No. 4 who is the holder of VC Pass No. 29/2007, a sum of Rs. 2,06,500/- has been assessed towards the value of crops. Lastly, in respect of petitioner No. 5 who is the holder of Periodic Patta No. 168/2008, a sum of Rs. 1,53,254/- has been assessed as the value of crops.

[5.] The Draft Award was conveyed to the State Government in the Revenue Department and the same was approved along with the remaining Parts apart from Part-F Bukpui and conveyed to the District Collector-cum-Deputy Commissioner, Kolasib on 21.05.2015 by the Under Secretary to the Government of Mizoram, Revenue Department through a letter under memo No. K.12011/30/11-REV/Pt-1. However, in respect of the petitioner No. 1, it was mentioned in the said letter that the assessed amount in favour of the petitioner No. 1 had omitted for want of clarification. The Deputy Commissioner, Kolasib district vide his letter dated 04.07.2016 written to the Under Secretary to the Government of Mizoram, Land Revenue & Settlement Department subsequently clarified that the claim of the petitioner No. 1 was verified on the spot and the assessment was done and the same was found to be genuine. That the amount so assessed i.e., Rs. 45,56,736/- was found to be correct.

[6.] While the petitioners were expecting payment of the compensation



amount that was assessed, the respondents contemplated re-verification of the claim in view of the order passed by this Court on 19.03.2018 in WP(C) No. 167/2017. Be it stated herein that the said writ petition was initiated by Serkhan to Bagha Co-ordination committee, which claimed that in the construction/widening of Serkhan to Bagha road, there were certain false claims made while genuine affected land owners were deprived of the compensation. Taking into account the grievances of the petitioners in that writ petition, a Coordinate Bench of this Court vide Order dated 19.03.2018 disposed of the writ petition in the following manner:-

“.....8. From the submission of the learned Government Advocate, it is clear and apparent that the submission of Mr. C Lalramzauva, the learned senior counsel for the petitioners has force inasmuch as the fact of overlapping is to some extent admitted by the State respondents. Keeping in view the statement made in the affidavit-in-opposition and the grievances of the present petitioners, this writ petition is accordingly disposed of with a direction to the respondents to take into consideration the faulty process which advertently 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 to the affected persons within a period of 2 (two) months from the date of receipt of copy of this order passed today alongwith the copy of the writ petition with the annexures annexed to it.



9. *The petitioners shall take necessary steps to that effect and accordingly submit a copy each of the certified copy of this order alongwith the copy of the writ petition to the respondent Nos. 2 and 3.*
10. *The present writ petition stands disposed of."*

[7.] While the above was the direction of this Court, the present petitioners contend that the respondent authority concerned apart from identifying false or bogus claims, has embarked into re-calculating and re-assessing the compensation to be paid which otherwise was not the direction of this Court. The petitioners contend that they are the genuine land owners of the respective lands and the lands have been affected by the construction of the road. Therefore, the respondent authorities concerned could not have made the re-assessment and thereby greatly reducing the amount of compensation to be received by them without any justification whatsoever. It is the contention of the petitioners that upon the re-assessment being made, the respondent authorities concerned decided to disburse the amount of compensation only to those who have accepted the said amount. However, this Court granted liberty to the petitioners to accept the Award amount as per the re-assessment of compensation without prejudice to their right to claim for compensation as per the original award. The learned counsel therefore submits that the petitioners



received the awarded amount at the re-assessed rate under protest while reserving their right to claim compensation as per the original award.

[8.] Ms. Dinari T. Azyu, learned Senior Counsel submits that while the amount of compensation to be received by the petitioners have been drastically reduced but in respect of most of the land owners, there is no substantial change and in fact an increase of compensation for some compared to the original assessment. She submits that this might be the reason as to why others have not approached this Court. At any rate, the learned counsel submits that since there was no direction from this Court in WP(C) No. 167/2017 to make re-assessment of the amount of compensation, the respondent authorities concerned could not have made the re-assessment reducing the amount receivable by the petitioners as compensation. Secondly, there are no justifiable grounds under which the amount has been reduced which can be clearly seen from the re-assessed calculation statement annexed to the writ petition as Annexure-6. She submits that no reason has been shown as to how the assessment was made and why the amount was reduced compared to the original assessment. She therefore submits that the petitioners should be given compensation as per the original assessment made by the District Collector on 23.04.2015 and which was approved by the State Government as well.



[9.] The learned Senior Counsel, Ms. Dinari T. Azyu has also submitted that the respondents have clearly admitted at paragraph 3 of the additional affidavit filed on 25.08.2021 that in respect of the Periodic Patta of the petitioner No. 2, land value was not given and that the revised award needed some corrections. The Deputy Commissioner, Kolasib district was therefore requested to submit a corrected revised Award. She submits that despite such a stand taken, there is no revised Award by which the petitioner No. 2 has been granted compensation for the value of his land. The learned counsel thus submits that under the facts and circumstances of the case, the respondent authorities should be directed to pay the compensation as was assessed by the District Collector on 23.04.2015, less the amount which has already been paid to the petitioners.

[10.] Ms. Lalnunhlui, learned Government Advocate, on the other hand, submits that WP(C) No. 167/2017 was disposed of vide order dated 19.03.2018 by directing the respondents to take into consideration the faulty process which had cropped up in the final compensation listing and to complete the process of both identification of the actual affected persons and subsequent disbursement of compensation to the affected persons within 2 (two) months from the date of receipt of a copy of the order. Therefore, in compliance with the



same, a meeting was held under the chairmanship of the Secretary, Land Revenue & Settlement Department on 06.04.2018 to discuss the course of action for compliance with the direction. Thereafter, another meeting was held on 10.04.2018 where it was resolved to constitute two verification teams. However, subsequently it was decided to have one verification team only and the verification team started ground verification on 23.04.2018. All interested persons were informed and no one raised any objection during the time of verification and assessment process. In terms of the verification report, a revised draft assessment was submitted to the Secretary to the Govt. of Mizoram, Land Revenue & Settlement Department on 11.07.2018. The verifying team used simple methods such as conducting public hearing and directing the land owners to be present on their respective plots in order to filter out bogus claims. The actual land areas were re-measured and crop damage was recorded. Consequently, the Govt. of Mizoram approved and sanctioned the proposed revised draft award vide Communication dated 01.08.2018. In support of her submission, the learned Government Advocate refers to the affidavit-in-opposition filed by the State respondents on 19.02.2020.

[11.] The learned Government Advocate further refers to the affidavit filed by the respondent No. 2 on 16.12.2021 and submits that the original



Award No. 3/2014 (Part-F Bukpui), the area to be acquired was reflected as 151 km, whereas in the revised Award No. 3/2014, the area to be acquired was reflected as 241286.88 sq.ft. It can therefore be seen that the area, after verification as per the Court's order, was greatly reduced. The area of land of the petitioners is also reduced, and likewise the number of crops is automatically reduced.

[12.] The learned Government Advocate also refers to the additional affidavit filed by the State respondent Nos. 1 to 5 on 11.03.2026 and submits that the same was filed in compliance with the Court's Order dated 30.01.2026, wherein the Court had directed the respondents to produce the complete records pertaining to the re-verification of the Serkhan-Bagha road corresponding to the report dated 18.05.2018 and also including all the records relating to the process undertaken pursuant to the disposal of WP(C) No. 167/2017 vide Order dated 19.03.2018. She submits that the methodology adopted while making the re-assessment was that all the claims were required to be present at their respective sites and their claims were physically verified in the presence of Village Council members, representatives of the Co-ordination Committee and other local persons acquainted with their lands in question. The Periodic Patta lands and other holdings were pre-measured on the ground and it



was ascertained where such land, in fact, fell within the actual road corridor, particularly in view of deviations from the original proposed alignment. The core compensation was determined on the basis of physical inspection of the affected area, post-construction residual evidence and consultation with land owners and village authorities to assess the actual number and type of crop damage. Through this process, claims relating the land found to be unaffected were deleted, inflated or overlapping assessment were corrected, and 167 bogus or unsubstantiated claims were eliminated, resulting in proportion of a revised compensation list confined to the actual affected persons. That the complete record of such verification is reflected in the verification team's report dated 18.05.2018.

[13.] The learned Government Advocate further submits that the reason for revision of the compensation amount particularly in respect of the petitioners has been highlighted against paragraph No. 8 of the additional affidavit dated 11.03.2026. She thus submits that under the facts and circumstances, the petitioners cannot insist on claim of compensation as per the original assessment in view of the proportion of the revised assessment approved by the Government after verification was conducted as directed by this Court. She thus submits that the writ petition has no merit and the same



should be dismissed.

[14.] I have heard the submissions made by the learned counsels for the rival parties and I have perused the materials available on record.

[15.] At the very inception of the writ petition, this Court while issuing notice of motion on 20.03.2019 had passed the following order:

“Heard Mrs. Dinari T. Azyu, the learned counsel for the petitioners, who submits that the petitioners are aggrieved with the re-assessment made by the District Collector, Kolasib District, Kolasib on the already assessed compensation in connection with the construction of Serkhan - Bagha road (Part-F-Bukpui).

The learned counsel submits that a Draft Award No. 3/2014 which was made in this regard was approved by the State Government in the Revenue Department vide Communication made by the Under Secretary to the Government of Mizoram, Revenue Department to the Deputy Commissioner, Kolasib District, Kolasib on 21.05.2015. However, before the Draft Award could be acted upon, the Co-ordination Committee on the construction of Serkhan - Bagha road filed a Public Interest Litigation before this Court, which was registered as WP(C) No. 167/2017, alleging that there were gross irregularities in the compensation claimed by the land owners particularly in connection with the over lapping of the claim and the claim of the actual affected persons. Consequently, this Court vide Order dated 19.03.2018 disposed of the writ petition directing the respondents to



take into consideration the faulty process which inadvertently cropped up in the final compensation list and to complete the process both for identification of the actual affected person and the subsequent disposal of the compensation to the affected person within a period of 2 (two) months from the date of receipt of the order.

Mrs. Dinari T. Azyu, the learned counsel submits that as per the said direction, the respondents were required to identify the actual affected person and find out if there was any over lapping on the claims. No direction was given for making a re-assessment of the award. The Deputy Commissioner, Kolasib District, Kolasib however made a re-assessment of the compensation to be received by the respective land holders including the petitioners. As per the re-assessment, the amounts of compensation to be received by the petitioners have greatly been reduced.

The petitioners being aggrieved submitted their representation but the Deputy Commissioner, Kolasib District, Kolasib vide Notification dated 06.03.2018 has notified that the re-assessed compensation will be paid only to those who accept the same without any protest. The learned counsel therefore submits that the petitioners may be allowed to receive the re-assessed amount, without any prejudice to their rights to receive the earlier assessment.

In view of above, issue notice of motion, returnable by 4 (four) weeks. Ms. Mary L. Khiangte, the learned Government Advocate appears and accepts notice on behalf of all the respondents. Extra copies of the writ petition be furnished to her if not already done.

Having regard to the projection made by the petitioners, it is hereby



provided in the interim that the petitioner will be at liberty to receive the re-assessed amount of compensation prepared by the District Collector/Deputy Commissioner, Kolasib District, Kolasib without any prejudice to their right to receive the earlier assessed amount through Draft Award No. 3/2014.

*List the case **after 4 (four) weeks.***

A copy of the Order be furnished to the learned counsels for both the parties.”

[16.] It may be stated herein that prior to filing of WP(C) No. 167/2017, a number of affected land owners covered by the Draft Award no. 3/2014 had approached this Court through WP(C) No. 10/2016 with the grievance that the assessed amount of compensation as per Draft Award No. 3/2014 was not paid to them since according to the advice of the Law & Judicial Department, the entire acquisition proceedings had lapsed. However, this Court upon examining the rival contentions came to a finding that the acquisition proceedings for the reasons assigned, could not have been stated to have lapsed, and therefore, the Draft Award No. 3/2014, which had been approved by the Government, was declared to be a valid award. The respondents were accordingly directed to pay the compensation in terms of the draft award to the petitioners within a period of 6 (six) months from the date of receipt of a certified copy of the order.



[17.] Subsequent to this, WP(C) No. 167/2017 was filed by the Co-ordination committee on construction of Serkhan to Bagha road, alleging that there were certain faulty processes which had cropped up in the final compensation list and, therefore, Award No. 3/2014 should be set aside and a fresh assessment made for payment of compensation to genuine land owners/claims whose lands have been damaged because of the project. It may be noted that although this Court in WP(C) No. 10/2016 had already held that the Draft Award No. 3/2014 had not lapsed and should be acted upon, the payment of compensation to the land owners, this fact was not brought to the notice of this Court by the State respondents despite being a party respondent in WP(C) No. 10/2016. Therefore, this Court disposed of WP(C) No. 167/2017 by directing respondents to take into the consideration the faulty process which inadvertently cropped up in the final compensation list and to complete the process of identification of actual affected persons and disbursement of the compensation within a period of 2 (two) months from the date of receipt of the order. It is for this reason according to the State respondents that a verification team was constituted to examine the claim and damages on the ground and that a public hearing was also conducted. Upon concluding such a process, the revised Draft Award No. 3/2014 was prepared. In respect of Part-F Bukpui, the revised award came to a total sum of Rs. 1,61,79,902/- comparing to the earlier



award of Rs. 2,57,25,966/-. According to the State respondents, the revised draft award was prepared on the basis of the re-verification report dated 18.05.2018 submitted by the re-verification team.

[18.] Be it stated herein that as per the re-assessment made, the amount payable to the petitioners for crop damages got substantially reduced compared to the earlier assessment. No reasons have been assigned or indicated in the re-assessed calculation as to how the same was arrived at. A comparative chart prepared by the petitioners in respect of the previous assessment and the re-assessment in the form of a chart may be reproduced below:

Sl.No.	Name of the Petitioners	Previous assessment in Rupees	Re-assessment in Rupees
1.	B. Lalzawmliana	45,56,736	20,03,112
2.	Thuamhluna	3,55,950	1,55,000
3.	PC. Thanghuama	4,83,016	20,000
4.	Lalliantluanga	2,06,500	1,46,000
5.	Pasena	1,53,254	86,000

[19.] From the above chart, it can be seen that there is a substantial decrease in the amount of compensation. As already stated, since there is no indication in the re-assessed calculation, this Court directed the learned



Government Advocate to produce the complete records pertaining to Serkhan to Bagha road re-verification corresponding to the report dated 18.05.2018. In other words, the records pertaining to the process undertaken by the respondent authorities pursuant to the disposal of WP(C) No. 167/2017 vide order dated 19.03.2018. That in terms of the said order, the State respondents, instead of producing the original records, filed an additional affidavit on 11.03.2026 explaining how the reduction of the amount has happened with special reference to the petitioners. At paragraph No. 8 of the additional affidavit, a chart is prepared containing the justification for the decrease in the amount of compensation. It is remarked that the same was on account of the original assessment being found to be grossly inflated on making a ground verification. Further, the actual crop damage was minimal and that the holder of a Village Council pass was entitled to crop compensation only and not for the value of the land. The same remarks are made in respect of all the petitioners except for petitioner No. 4, against whom a remark was made that his land was found to be not affected by the road construction since the road construction did not pass through his land. It was also remarked that his claim was deleted. Further, it was also stated that the petitioner No. 4 is not a bogus claimant but a genuine person but his land was not affected.



[20.] After the remarks as noted above were made in the additional affidavit of the respondent Nos. 1 to 5 filed on 11.03.2026, the learned Government Advocate during the course of hearing produced a communication dated 17.03.2026 written to her by the Sub-Divisional Officer (Sadar) of the Deputy Commissioner, Kolasib District, Kolasib, wherein it was stated that the re-verification and assessment of Serkhan-Bagha land acquisition was done in the presence of all the stakeholders. As per information received from the members of the verification team, almost all the acquired area and number of crop plantations had already been wiped out during the spot verification. As a result, the assessment of actual land areas and numbers of damaged crops could not be determined as the land in question was already devastated by the execution of construction works. That the assessment of actual land area and number of damaged crops was done as mentioned in the final report submitted by the verification team. Therefore, there are no original records or documents which justify the revised award and no further spot verification reports covering the physical area of land, crops and assessment of damages except the report submitted by the fact-finding/verification team on Serkhan-Bagha land acquisition. The letter ended by stating that the same was for information and necessary action by the Government Advocate. The letter dated 17.03.2026 was produced before this Court but it was not marked. However, this Court considers



that the same should be marked as 'X' and be retained in the record for reference even at this stage. It is accordingly done.

[21.] After the additional affidavit dated 11.03.2026 was filed and the letter dated 17.03.2026 produced, the learned Government Advocate has produced the records with regard to the process undertaken pursuant to the order dated 19.03.2018 passed by this Court in WP(C) No. 167/2017. In fact, the report of Serkhan-Bagha road re-verification is annexed as Annexure-2 in the additional affidavit dated 11.03.2026. The same provides that bogus/false claims in the Award No. 3/2014 were filtered out and as many as 167 numbers of bogus claims were found, and thereby substantially reducing the compensation amount. However, the present petitioners admittedly are not amongst those who were found to have made bogus claims since in the re-assessed calculation for Part-F Bukpui, their names are included at Serial Nos. 13-14 in respect of the petitioner No. 1 and Serial Nos. 12, 56, 2 & 127 in respect of the petitioner Nos. 2 to 5 respectively. As already noted, the amount of compensation payable to them for crop damage has been reduced substantially but there is no mention as to why it has been reduced. The report of the re-verification dated 18.05.2018 is general in nature and does not provide the reasons for reduction of the assessment in respect of any of the land



owners in particular. The additional affidavit dated 11.03.2026 at paragraph No. 8 of the said affidavit seeks to justify the reason for the re-assessment. However, the original records produced by the learned Government Advocate does not contain any materials to support the reasons provided in paragraph No. 8. In fact, in respect of petitioner No. 4, there is a clear contradiction since the additional affidavit states that his claim was deleted as his land was not affected. However, in the re-assessed calculation, petitioner No. 4 is at serial No. 2 of the chart prepared for Part-F Bukpui and the amount payable to him for crop damage is shown as Rs. 1,46,000/-. In addition to the same, the petitioner No. 4 is shown to be entitled to payment of solatium and interest to the tune of Rs. 43,800/- and Rs. 55,872/- respectively. Therefore, the total amount payable to him inclusive of crop damage, solatium and interest is shown as Rs. 2,45,672/-.

[22.] Reverting back to the direction of this Court in WP(C) No. 167/2017, we may notice that the direction was to take into consideration the faulty process which inadvertently cropped up in the final compensation list. The initial assessment as per the original award admittedly was done on or before 2015 since the award itself was prepared and signed by the District Collector on 23.04.2015. According to the respondent, re-verification was initiated after the



disposal of WP(C) No. 167/2017 on 19.03.2018 by initiating the process of ground verification on 23.04.2018 (Monday) as per the affidavit of the State respondents dated 19.02.2020. It may be seen that three years had passed since the first assessment/award was made and the SDO (Sadar), vide Communication dated 17.03.2026, reported that almost all the acquired area and number of crops plantation had already been wiped out during the spot verification and therefore, the actual land area and number of damage crops could not be determined as the land in question was already devastated by the execution of construction works. The original records produced also does not show as to how the calculation and re-assessment was done. It is a settled position in law that a case cannot be improved upon by way of an affidavit unless the same is supported by the records of the case. Therefore, the State respondents may have given the reasons and justification for the calculation and re-assessment in their affidavit but in the absence of any material to support the same, the re-assessed calculation so arrived at cannot be accepted.

[23.] In the result, upon due consideration of the case in its entirety, the re-assessment made in respect of the petitioners is found to be vague and not sustainable and accordingly, the same is interfered with. The petitioners are found to be entitled to be paid their due share of compensation in terms of the



original assessment. It is also made clear that this finding is not a general finding on the re-assessment of the compensation for others but specific only to the petitioners under the given facts and circumstances and finding of this Court. The respondents are therefore directed to pay the petitioners their due share of compensation as per the original award less the amount already disbursed to them within a period of three months from the date of receipt of a certified copy of this order.

[24.] With the above observations and directions, the writ petition stands disposed of. No costs. The records produced by the learned Government Advocate is also returned herewith.

JUDGE

Comparing Assistant