



GAHC030008462025



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

Case No. : WP(C)/161/2025

Games and Sport Association , Thingsual Tlangnuam
r/b its President Sh. k. Lalhruaisanga, Thingsul Tlangnuam, Aizawl District, Mizoram
- 796161

VERSUS

Union of India and 8 Ors.
r/b the Secretary to the Ministry of Road Transport and Highways, Govt. of India,
Transport Bhawan, 1, Parliament Street, New Delhi - 110001 2:The Regional
Officer
Govt. of India
Ministry of Road Transport and Highways Regional Officer

3:The State of Mizoram R/b the Chief Secretary

4:The Secretary to the Govt. of Mizoram

5:The Deputy Commissioner-um-Competent Authority for Land Acquisition (CALA)

6:National Highways and Infrastructure Development Corporation Limited
(NHIDCL)

7:The General Manager (Projects) NHIDCL



8:The Regional Manager

9:The Brancdh Manage

Advocate for the Petitioner : Lalnunmawia

Advocate for the Respondent :

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA
ORDER**

19.01.2026

Heard Mr. Aldrin Zothanmawia, learned counsel for the petitioner, who submits that the petitioner is a Games and Sport Association based in Thingsul Tlangnuam, Aizawl District represented by its President. The grievance of the petitioner is that there has been illegal deduction of Rs. 15,83,836/- from the compensation amount awarded to the petitioner, for acquisition of the petitioner's land covered by Village Council Pass No. 101/2005.

[2.] The petitioner's counsel submits that on acquisition of the petitioner's land vide Award No. 6/2019 on 23.08.2019, the petitioner whose name was at Serial No. 19 of the Award was to receive Rs. 26,02,500/-, which was divided as follows:-

(a) Compensation for crops - Rs. 12,40,000/-



(b) Compensation for structures - Rs. 61,205/-

(c) Solatium (100% of compensation amount)

- Rs. 13,01,250/-

The learned counsel however submits that the State respondents, without issuing any notice, deducted Rs. 15,83,836/- from the petitioner's compensation amount on 18.10.2019. The same being in violation of principles of natural justice, the deduction of the said amount by the State respondents should be set aside.

[3.] I have heard the learned counsel for the petitioner.

[4.] The facts of the case show that vide Award No. 6/2019 dated 23.08.2019 passed by the Competent Authority for land compensation (CALA) and Deputy Commissioner, Aizawl, the assessment of compensation payable to the petitioner was Rs. 26,02,500/-. The said amount in the Award had been arrived at on the basis of the assessment made on 25.05.2017, wherein, the compensation amount in the Award was under three (3) heads, which are as follows:-

(a) Compensation for crops - Rs. 12,40,000/-

(b) Compensation for structures - Rs. 61,205/-



(c) Solatium (100% of compensation amount)

- Rs. 13,01,250/-

However, the compensation for crops and the compensation for structures in the assessment made on 25.05.2017 was Rs. 1,24,000/- and Rs. 61,250/- respectively. The above clearly shows that a mistake had occurred in the figures, while incorporating the compensation amount payable to the petitioner in Award No. 6/2019.

[5.] The State respondents have not denied the fact that they have deducted Rs. 15,83,836/-, on the ground that a mistake had been committed while making the Award, inasmuch as, at the time of assessment of compensation for structures and crops of the petitioner on 25.05.2017, the compensation for crops was assessed as Rs. 1,24,000/-. The said assessment which was made on 25.05.2017 was also signed as correct by the petitioner, who was represented by the then President of the Games and Sport Association.

[6.] The assessment of the land compensation made on 25.05.2017, which is annexed at page No. 70 of the writ petition, shows that only Rs. 1,24,000/- was assessed as crop compensation, which would mean that there would be a corresponding solatium payable to the petitioner also.



[7.] The above assessment of crop compensation made on 25.05.2017, which is written in hand and signed by the petitioner, who was the President of the petitioner Association at the relevant time, was apparently the basis for the Award No. 6/2019 dated 23.08.2019. Interestingly, the Agreement dated 05.09.2019, showing that the petitioner is entitled to compensation for crop damage amounting to Rs. 12,40,000/- has been made after the issuance of the Award and as such, the same cannot have any bearing on the issue at hand.

[8.] The facts of the case, as can be seen from the above, shows that a mistake had cropped up at the time of making the Award on the basis of the assessment dated 25.05.2017. The assessed compensation amount on 25.05.2017 being Rs. 1,24,000/-, the compensation amount in the Award should have been based on the crop compensation amount of Rs. 1,24,000/-. However, there has been a mistake made in the Award. It is clear that a mistake can be rectified at any time and any benefit wrongly given on the basis of a mistake does not confer any right to anybody. Every person or authority has the power to rectify a mistake or error. In the present case, the assessment of crop compensation made on 25.05.2017 shows that the compensation amount to be Rs. 1,24,000/- and as such, the undue benefit given to the petitioner over and above the said amount, had been taken back.



[9.] When a wrong compensation amount has been mentioned in Award, which is not in consonance with the assessment dated 25.05.2017, the same being a curable defect even in this Court, the said issue need not detain this Court any longer, especially when the assessment of compensation made (Page No. 70 of the writ petition) clearly shows that compensation for crop assessment was valued at Rs. 1,24,000/-. Further, disputed questions of fact, if any, should ordinarily be decided by a Civil Court or the appropriate forum, where evidence may need to be taken, but not in a writ proceeding.

[10.] With regard to the issue of the State respondents not issuing notice to the petitioner, prior to deducting the amount of Rs. 15,83,836/-, this Court is of the view that though notice should have been issued to the petitioner, the non-issuance of the same does not vitiate the action of the respondents, especially when the assessment of the compensation payable for crops had been made on 25.05.2017 (Page No. 70 of the writ petition). Even if notice had been issued to the petitioner, the annexures to the writ petition clearly show that the compensation for crops should have been made on the basis of the assessment dated 25.05.2017. There is nothing in the writ petition to show that the compensation for crops should have been Rs. 12,40,000/-, as per the Award. This Court is of the view that the correction of a mistake by the



respondent authorities has not caused any prejudice to the petitioner. However, if the petitioner has some document other than the Award, to show that the compensation for crops should be Rs. 12,40,000/-, the petitioner may agitate the same before the appropriate forum, in terms of the applicable law.

[11.] In view of the reasons stated above, this Court does not find any ground to exercise its discretion in the present case. The writ petition is accordingly dismissed.

JUDGE

Comparing Assistant