

GAHC010040292024



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

Case No. : WP(C)/2342/2024

JANA SING RONGHANG AND ANR
S/O- LUNSE RONGHANG, R/O- VILL.- LUNSE RONGHANG ARONG, P.O.
AND P.S. MANJA, PIN- 782461, DIST. KARBI ANGLONG, ASSAM

2: SONA SING TERANG
S/O- LONGKI TERANG
R/O- VILL.- LUNSE RONGHANG ARONG
P.O. AND P.S. MANJA
PIN- 782461
DIST. KARBI ANGLONG
ASSA

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS, GOVT. OF INDIA, NEW DELHI-110001.

2:THE NATIONAL HIGHWAY AUTHORITY OF INDIA
REPRESENTED BY THE CHAIRMAN
G5-6
DWARIKA NAGAR
NEW DELHI-75.

3:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF HILLS AREAS
GOVT. OF ASSAM
DISPUR
KAMRUP(M)
ASSAM
PIN- 781006.

4:THE UNDER SECRETARY TO THE GOVT. OF ASSAM
HILLS AREA DEPARTMENT

DISPUR
KAMRUP(M)
ASSAM
PIN- 781006.

5:THE KARBI ANGLONG AUTONOMOUS COUNCIL
REP. BY THE PRINCIPAL SECRETARY
DIPHU
KARBI ANGLONG
PIN- 782460.

6:THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
PIN- 782460.

7:THE JOINT SECRETARY CUM COMPETENT AUTHORITY
FOR LAND ACQUISITION (CALA)
REVENUE DEPARTMENT
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
KARBI ANGLONG
PIN- 782460.

8:THE GENERAL MANAGER (P)

PMU
DIPHU
NHIDCL
DIPHU
KARBI ANGLONG
PIN-782460.

9:THE ASSISTANT REVENUE OFFICER

PHULONI REVENUE CIRCLE
PHULONI
P.O. PHULONI
PIN- 782481
DIST. KARBI ANGLONG
ASSAM

10:JARI TERANG
S/O- LATE SAR-ET TERANG
R/O- LUNSE RONGHANG ARONG
P.O. AND P.S. MANJA
PIN- 782461

DIST. KARBI ANGLONG
ASSAM

11:JENSING TERON
S/O- LONGKI TERON
R/O- ANGBONG TERON ARONG
LANGPARPAN
P.O. AND P.S. BAKALIA
PIN- 782482
DIST. KARBI ANGLONG
ASSAM

12:NOBIN RONGPI
S/O- DALASING RONGPI
R/O- MANAI RONGPI GAON
LUNGPARPAN
P.O. AND P.S. BAKALIA
PIN- 782482
DIST. KARBI ANGLONG
ASSAM

13:BOLON TERANG
S/O- RAMSING TERANG
R/O- LUNSE RONGHANG GAON
LUNGPARPAN
P.O. AND P.S. BAKALIAPIN- 782482
DIST. KARBI ANGLONG
ASSAM

14:KANGBURA RONGHANG
S/O- MESING RONGHANG
R/O- MANAI TERANG ARONG
LANGPARPAN
PO. AND P.S. BAKALIA
PIN- 782482
DIST. KARBI ANGLONG
ASSA

Advocate for the Petitioner : MR. P BORDOLOI

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 08-05-2024

Heard Mr. P. Bordoloi, learned counsel for the petitioners; Ms. R. Bora, learned Standing Counsel, National Highway Authority of India [NHAI] and National Highways and Infrastructure Development Corporation Limited [NHIDCL] for the respondent nos. 1, 2 & 8; Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 3 & 4; and Mr. J. Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council [KAAC] for the respondent nos. 6, 7 & 9.

2. In view of the nature of issue raised; the prayer made in this writ petition; as agreed to by the learned counsel appearing for the afore-mentioned parties; and the order to be passed disposing of the writ petition at the motion stage itself, there appears to be no necessity to issue notices to the party respondent nos. 10 – 14.

3. The two petitioners claim themselves to be the President and the Secretary respectively of Lunse Ronghang Village Development Committee, Longnit, Langparpan, Karbi Anglong. It is the case of the petitioners that a plot of land measuring 17 Bighas and covered by Dag no. 75 and Patta no. 14, situate at Village – Langparpan, Mouza- Duardisha, Phuloni Revenue Circle, District – Karbi Anglong ['the subject-plot', for short] had been used by the villagers of the said area as a cremation ground since long and is being used also presently. In the year 2014, the office of the Deputy Director [Hills], Panchayat and Rural Development Department, Diphu issued one Work Order

dated 17.12.2014 for 'Construction of Boundary Walls of the Cremation Ground at Lunse Ronghang Sosanghat under Langsomepi ITDP' with regard to the subject-plot for the purpose of its protection. In the year 2020, the Government of India [GoI] in the Ministry of Road Transport and Highways [MoRTH] issued a Notification dated 26.05.2020 under Clause [a] of Section 3 of the National Highways Act, 1956 appointing the Joint Secretary [Revenue], Karbi Anglong Autonomous Council [KAAC] to perform the functions as a competent authority in respect of the National Highway No. 29 in between the stretch from 49 Km to 155 Km within the Karbi Anlgong Autonomous Council [KAAC].

4. The petitioners have alleged that after issuance of the Notification dated 26.05.2020, the respondent KAAC authorities issued periodic pattas in favour of the respondent nos. 10–14 on 13.10.2020. The petitioners stated to have filed representations/complaints before the respondent no. 7, that is, the Joint Secretary I/c, Land and Revenue Department, KAAC, Diphu, on 18.10.2021 and 28.10.2021, seeking cancellation of the pattas issued in favour of the respondent nos. 10 – 14 with the contention that such issuance and manner of issuance of periodic pattas were illegal. On receipt of the said representations/complaints, a report was called for from the Assistant Revenue Officer, Phuloni Revenue Circle [the respondent no. 9] who, on 11.11.2021, had submitted a report stating that the Lunse Ronghang Village Development Committee wanted issuance of patta in respect of the subject-plot in their favour. The Assistant Revenue Officer, Phuloni Revenue Circle recommended to the respondent no. 7 to take necessary steps to get periodic patta issued in favour of Lunse Ronghang Village Development Committee.

5. In the meantime, MoRTH, GOI published a Notification under Section

3A[1] of the National Highways Act, 1956 declaring its intention to acquire the parcels of land mentioned in the Schedule therein and the Schedule *inter-alia* included the subject-plot measuring 0.7195000 Hectare showing it as a private plot of land. At that stage, the petitioners approached this Court by way of a writ petition, W.P.[C] no. 1583/2022.

6. After hearing the learned counsel for the parties, and after perusing the materials on record, the said writ petition was disposed of by an Order dated 10.03.2022. The relevant parts of the Order dated 10.03.2022 read as under :

"After hearing the Learned counsels for the parties and considering the entire aspect of the matter, the Court is of the view that the petitioners may approach the concerned competent authority of Land acquisition for redressal of their grievances, if any, after public notice issued under Section 3G of said 1956 Act for referring the matter under Section 3H(4) of the said 1956 Act.

With the above observation and direction, this writ petition stands disposed of."

7. Subsequent to the disposal of the writ petition, W.P.[C] no. 1583/2022, the petitioners submitted a written statement/representation before the respondent no. 7 on 21.10.2022. On receipt of the said written statement/representation from the petitioners, the respondent no. 7 registered the same as Land Complaint Case no. 4/2022. By an Order dated 24.01.2023, the respondent no. 7 issued notices to the parties for their appearance before the respondent no. 7.

8. It is in the above background, the petitioners have approached this Court by the present writ petition seeking for a direction to the respondent authorities, more particularly, the respondent no. 7 to pass appropriate order in the Land

Complaint Case no. 4/2022 with the grievance that despite securing the appearance of both sides including the respondent nos. 10 – 4, impleaded herein, the said complaint case has not yet been disposed of.

9. Mr. Chutia, learned Standing Counsel, KAAC has submitted that since on the basis of the written statement/representation dated 21.10.2022, a case, Land Complaint Case no. 4/2022 has already been registered, it is incumbent upon the respondent no. 7 to dispose of the same by passing a speaking order after affording opportunities of hearing to all the parties involved therein. It is submitted by him that if the land complaint case has not yet been disposed of, this writ petition may be disposed of with a direction to the respondent authorities in the KAAC, more particularly, the respondent no. 7 to dispose of the case, Land Complaint Case no. 4/2022 within a reasonable period of time. It is submitted by him that a period of 2 [two] months would be a reasonable period of time.

10. Ms. Bora, learned Standing Counsel, NHAI & NHIDCL and Ms. Barman, learned Junior Government Advocate, Assam have also made similar submissions.

11. Mr. Bordoloi, learned counsel for the petitioners has agreed to the above submissions advanced by Mr. Chutia, learned Standing Counsel, KAAC.

12. In view of the lines of submissions made by the learned counsel for the parties, thereby, arriving at a broad consensus and considering the fact that the respondent no. 7 is already in seisen of the case, Land Complaint Case no. 4/2022, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of by directing the respondent

authorities in the KAAC, more particularly, the respondent no. 7 to dispose of the case, Land Complaint Case no. 4/2022 by passing a speaking order within a period of 2 [two] months after service notices and after affording due opportunities to all the stakeholders including the petitioners and the respondent nos. 10 – 14. It is accordingly ordered. It is observed that the period of 2 [two] months is to be counted from the date of submission of a certified copy of this Order by the petitioners at the office of the respondent no. 7. It is further observed this Court has not made any observation on the merits of the respective claims of any of the parties and the respondent authority, that is, the respondent no. 7 shall consider the claims on their merits and in accordance with the extant rules and regulation.

13. With the observations made and directions given above, the writ petition is disposed of.

JUDGE

Comparing Assistant