

GAHC010035502024



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

Case No. : WP(C)/1143/2024

ANANTA KUMAR BORAH AND ANR
S/O LATE PURNA RAM BORAH, VILL- GOTANGA KAHDOL, MOUZA-
HALESWAR, MISSION CHARIALI, CIRCLE- SADAR REVENUE CIRCLE,
DIST- SONITPUR, ASSAM-784154

2: PRASANTA KUMAR BORAH
S/O LATE PURNA RAM BORAH
VILL- GOTANGA KAHDOL
MOUZA- HALESWAR
MISSION CHARIALI
CIRCLE- SADAR REVENUE CIRCLE
DIST- SONITPUR
ASSAM-78415

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-6, ASSAM

2:THE DISTRICT COMMISSIONER
DIST-SONITPUR
AT TEZPUR
ASSAM-784001

3:THE CIRCLE OFFICER
SADAR REVENUE CIRCLE
TEZPUR
DIST- SONITPUR
ASSAM-78400

Advocate for the Petitioner : MR. S K BHATTACHARYYA

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 01-03-2024

Heard Mr. S.K. Bhattacharyya, learned counsel for the petitioners; Ms. N. Bordoloi, learned Standing Counsel, Revenue & Disaster Management Department for the respondent no. 1; Mr. B.J. Talukdar, learned Senior Counsel assisted by Mr. P.K. Medhi, learned counsel for the respondent nos. 2 & 3.

2. The 2 [two] petitioners herein are brothers and joint owners and recorded pattadars of a plot of land measuring 1 Bigha 1 Katha, covered by Dag no. 713 & K.P. Patta no. 123, situate at Revenue Village – Gotanga Kahdol, Mouza – Haleswar, Tezpur, Sadar Revenue Circle, District – Sonitpur [‘the subject-plot’, for short]. The petitioners have approached this Court by the instant writ petition after their names are reflected in an Order published under Section 3[1] of the Assam Land [Requisition and Acquisition] Act, 1964 read with Rule 4 of the Assam Land [Requisition and Acquisition] Rules, 1964, which was published in Form-B in the English daily newspaper, ‘*the Assam Tribune*’ in its issue dated 15.09.2022. As per the said Order, an area of land measuring 2 Kathas 8 Lessas out of the subject-plot has been brought under the land acquisition process of L.A. Case no. 1/2022.

3. The projected case of the petitioner is that the respondent authorities have not yet specified and earmarked the area of land measuring 2 Kathas 8 Lessas out of the subject-plot, which has been brought under the land acquisition process of L.A. Case no. 1/2022. The petitioners have stated that they have approached this Court by the present writ petition as their two individual representations submitted before the respondent no. 3 on 17.08.2023 seeking specification and earmarking of the area of land measuring 2 Kathas 8 Lessas have not been disposed of till date.

4. In the said two individual representations, which are seen to have been received by

the office of the respondent no. 3 on 17.08.2023 under seal and signature, the petitioners have stated that the area of land measuring 2 Kathas 8 Lessas which is part of the subject-plot, has not been specified and earmarked by the respondent authorities before publication of the Order in Form-B in the newspaper on 15.09.2022. As the said area of land has not yet been specified and earmarked, the petitioners are in darkness as to which part/area of the subject-plot is to be vacated. The petitioners have further represented that the petitioners have not been provided with any information as regards the amount of compensation/award/zirat the petitioner payable for acquisition of the area of land measuring 2 Kathas 8 Lessas out of the subject-plot. The petitioners have, thus, preferred this writ petition seeking *inter alia* a direction to the respondent authorities, more particularly, the respondent no. 3 to specify and earmark the area of land measuring 2 Kathas 8 Lessas out of the subject-plot and to inform the petitioners about the amount of compensation/award/zirat payable to them in the process of such land acquisition.

5. Mr. Talukdar, learned Senior Counsel appearing for the respondent nos. 2 – 3 has submitted that since the representations dated 17.08.2023 are stated to be pending, this writ petition can be disposed of with a direction to the respondent authorities, more particularly, the respondent no. 3 to proceed for specifying and earmarking the area of land measuring 2 Kathas 8 Lessas out of the subject-plot, which is sought to be acquired in connection with L.A. Case no. 1/2022.

6. Mr. Bhattacharyya, learned counsel for the petitioners has agreed to the submissions of Mr. Talukdar.

7. In view of the broad consensus arrived at by the learned counsel for the parties in the afore-stated manner, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent authorities, more particularly, the respondent no. 3 before whom the petitioners have already submitted the representations on 17.08.2023, to consider the said representations containing the prayer to specify and earmark the area of land measuring 2 Kathas 8 Lessas out of the subject-plot, which is sought to be acquired in connection with L.A. Case no. 1/2022. It is observed that

such exercise shall be carried out by the respondent no. 3 within a period of 1 [one] year from the date of receipt of a certified copy of this order at his office from the petitioners. It is further observed that there shall not be any further action like demolition/eviction, etc. in connection with the National Highway project on the subject-plot prior to completion of the exercise of specifying and earmarking of the area of land measuring 2 Kathas 8 Lessas within the subject-plot.

8. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant