

GAHC010020732024



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

Case No. : WP(C)/545/2024

MD. HIFZUR RAHMAN LASKAR 11 ORS
S/O- LATE HAJI KALA RAJA LASKAR, R/O- VILL.- NILBAGAN, P.O.
NILBAGAN, P.S.MURAJHAR, DIST. NAGAON, ASSAM, PIN- 782445.

2: ABDUL JALIL
S/O- LATE ABDUL AJIJ
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

3: PIYARA BEGUM
D/O- LATE MUDORISH ALI BORBHUIYA
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

4: AYCHAA BEGUM
D/O- LATE MUDORISH ALI BORBHUIYA
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

5: SHAMON AHMED
S/O- LATE BILAL UDDIN
R/O- VILL.- NILBAGAN

P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

6: MD. BILAL UDDIN
S/O- LATE BABU ALI
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

7: HUCH NEHAR
D/O- LATE JINU MIA
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

8: NAZIM UDDIN AHMED
S/O- LATE HAZI MEHRAB ALI
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

9: MONWARA BEGUM
D/O- LATE ABDUL MATLIB
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

10: HASINA KHANAM
S/O- LATE BILAL UDDIN BORBHUYAN
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON

ASSAM
PIN- 782445.

11: NASHIR UDDIN
S/O- LATE ABDUL AJIJ
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S. MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445.

12: LATIFUR RAHMAN
S/O- LATE HAJI MASTAKIN ALI
R/O- VILL.- NILBAGAN
P.O. NILBAGAN
P.S.MURAJHAR
DIST. NAGAON
ASSAM
PIN- 782445

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY SPECIAL COMMISSIONER AND SPECIAL SECRETARY
TO THE GOVERNMENT OF ASSAM, PUBLIC WORKS (B AND NH) PUBLIC
WORKS BUILDING AND NH DEPARTMENT, B-BLOCK, GROUND FLOOR,
JANATA BHAWAN, DISPUR, GHY-781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM
REVENUE AND DISASTER MANAGEMENT
LAND AND REVENUE DEPARTMENT
DISPUR
GHY-781006.

3:DISTRICT LEVEL AND PURCHASE COMMITTEE
HOJAI
REPRESENTED BY ITS MEMBER SECRETARY
ADDITONAL DEPUTY COMMISSIONER
SANKARDEV NAGAR
HOJAI
ASSAM
PIN- 782435.

4:SUB-DIVISIONAL OFFICER
HOJAI/ ADDL. DEPUTY COMMISSIONER
HOJAI I/C
CUM CHAIRMAN

DISTRICT LEVEL LAND PURCHASE COMMITTEE
SANKARDEV NAGAR
HOJAI
ASSAM
PIN- 782435.

5:CIRCLE OFFICER
DOBOKA REVENUE CIRCLE
DOBOKA
DIST.NAGAON
ASSAM
PIN- 782440.

6:THE EXECUTIVE OFFICER
PUBLIC WORKS ROAD DEPARTMENT
HOJAI
DIST.NAGAON
ASSAM
PIN- 782435

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/4303/2023

MAIN UDDIN @ MAIN UDDIN AND 8 ORS.
S/O LT. HAJI RIYAJ ALI R/O VILL. BISHNUPALLY WARD NO. 18 MAIN ROAD
HOJAI P.O. AND P.S. HOJAI DIST. NAGAON ASSAM PIN 782435

2: NAJRUL ISLAM @ NAJRUL ISLAM
S/O LT. HAJI RIYAZ ALI R/O VILL. METHIGAON P.O. NILBAGAN P.S
MURAJHAR DIST
.NAGAON ASSAM PIN 782455

3: RASHID AHMED TALUKDAR
S/O LT. HAJI FOIYAJ UDDIN R/O VILL. METHIGAON P.O. NILBAGAN P.S
MURAJHAR DIST
.NAGAON ASSAM PIN 782455

4: MOHAMMAD ALI
S/O LT. FAYAZ UDDIN R/O VILL. METHIGAON P.O. NILBAGAN P.S
MURAJHAR DIST

.NAGAON ASSAM PIN 782455

5: ALI AHMED
S/O LT. HAJI FOIYAZ UDDIN R/O VILL. METHIGAON P.O. NILBAGAN P.S
MURAJHAR DIST
.NAGAON ASSAM PIN 782455

6: NURUL ISLAM
S/O LT HAJI RIYAJ ALI R/O VILL. METHIGAON P.O. NILBAGAN P.S
MURAJHAR DIST
.NAGAON ASSAM PIN 782455

7: ANSAR ALI
S/O LT HAJI RIYAJ ALI R/O VILL. METHIGAON P.O. NILBAGAN P.S
MURAJHAR DIST
.NAGAON ASSAM PIN 782455

8: HARIS ALI
S/O LT HAJI RIYAJ ALI R/O VILL. METHIGAON P.O. NILBAGAN P.S
MURAJHAR DIST
.NAGAON ASSAM PIN 782455

9: MAHAMADUL HASAN
S/O LT. HAJI FOUYAZ UDDIN R/O VILL. METHIGAON P.O. NILBAGAN P.S
MURAJHAR DIST
.NAGAON ASSAM PIN 782455
VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY SPECIAL COMMISSIONER AND SPECIAL SECRETARY TO THE
GOVT. OF ASSAM PUBLIC WORKS (B AND NH) PUBLIC WORKS BUILDING
AND NH DEPTT. JANATAN BHAWAN DISPUR GUWAHATI 6

2:DISTRICT LEVEL LAN PURCHASE COMMITTEE
HOJAI
REP. BY ITS MEMBER SECRETARY ADDITIONAL DEPUTY COMMISSIONER
SANKARDEV NAGAR HOJAI ASSAM PIN 782435

3:ADDITIONAL DEPUTY COMMISSIONER
I/C HOJAI CUM CHAIRMAN DISTRICT LEVEL LAND PURCHASE
COMMITTEE SANKARDEV NAGAR HOJAI ASSAM PIN 782435

4:CIRCLE OFFICER
DOBOKA REVENUE CIRCLE DOBOKA DIST NAGAON ASSAM PIN 782440

5:THE EXECUTIVE ENGINEER
PUBLIC WORKS ROAD DEPTT. HOJAI DIST. NAGAON ASSAM PIN 782435

6:THE SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DIASTER MANAGEMENT

LAND AND REVENUE DEPARTMENT

DISPUR
GUWAHATI-781006.

Advocate for the petitioner(s): Mr. SC Biswas

Advocate for the respondent(s): Mr. BJ Talukdar,
Government Advocate, Assam
Mr. B Gogoi,
Standing counsel, PWD.

B E F O R E
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

25.07.2024

Heard Mr. SC Biswas, the learned counsel appearing on behalf of the petitioners. Also heard Mr. BJ Talukdar, the learned counsel appearing on behalf of the State respondents and Mr. A Bhattacharjee, the learned counsel appearing on behalf of the Revenue Department. Mr. B Gogoi, the learned counsel appears on behalf of the PWD, Government of Assam.

2. The petitioners in both the writ petitions are owners of various plots of land. The case of the petitioners herein is that the respondent authorities want to acquire the lands of the petitioners by invoking the *Asom Mala Program* by way of a Notification dated 07.03.2022 issued by the Governor of Assam whereby land acquisition is to be carried out through direct purchase by way of negotiative settlement.

3. It is the case of the petitioners that the lands belonging to the petitioners are of much higher value to that of the value which has been offered by the respondent authorities. It is also the case of the petitioners that the respondent authorities are trying to force the petitioners to accept the less value and as such have filed the instant writ petition seeking appropriate direction(s) that the market value of the lands and the appropriate compensation for the lands has to be paid as per the provisions of the *Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013*.

4. This Court has heard the learned counsels appearing on behalf of the petitioners as well as the respondents.

5. The Notification dated 07.03.2022 had also been perused. From a perusal of the said Notification dated 07.03.2022, it is seen that the respondent authorities can invoke the provisions of the said Notification and pass an award only in a case where there is an agreement as regards the value of the land and the compensation to be paid. It is the opinion of this Court that if the petitioners are not agreeable to the value of the lands which have been proposed by the respondent authorities, the respondent authorities would not have the power to force upon the petitioners to accept the value or the compensation to be payable.

6. Under such circumstances, both the writ petitions stand disposed of thereby directing the respondent authorities to take steps in terms of the Notification dated 07.03.2022, only if the land owners are agreeable to the compensation to be paid.

7. It is, however, observed that the instant order so passed shall not bar the respondent authorities to take steps for acquisition in terms of the other

acquisition laws which are presently in force.

JUDGE

Comparing Assistant