

GAHC010038282024



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

Case No. : WP(C)/1099/2024

RATNA KANTA NATH AND 17 ORS
SON OF LATE KUSHARAM NATH, RESIDENT OF VILLAGE- BORNOTA, P.O.
NAHARBARI, P.S. JAMUGURI, DISTRICT- SONITPUR, ASSAM, PIN- 784182

2: SRI DHARMA KANTA NATH
SON OF LATE LAKHIRAM NATH
RESIDENT OF VILLAGE- CHAMDHARA
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

3: SRI UTPAL JADAB
SON OF JAGANNATH YADAV
RESIDENT OF VILLAGE- CHAMDHARA
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

4: SRI BADAN NATH
SON OF LATE BHOLOW NATH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

5: SRI MADAN NATH
SON OF KALIRAM NATH ALIAS KALIA NATH
RESIDENT OF VILLAGE- CHAMDHARA

P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

6: SRI MARUT NATH
SON OF BANESHWAR NATH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

7: SRI RATNESWAR NATH
SON OF KHARGESWAR NATH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

8: SRI ANANTA BHUYAN
SON OF MINARAM BHUYAN PHUKAN KEOT
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

9: SRI SHYAMLAL KOIREE
SON OF RAMBADAN KOIREE
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

10: SRI JOGEN NATH
SON OF LATE LAKHIRAM NATH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR

ASSAM
PIN- 784182

11: SRI PURNA KANTA NATH
SON OF BHUBAN NATH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

12: SRI TAPAN NATH
SON OF LATE MINARAM NATH
RESIDENT OF VILLAGE- NAHARBARI
P.O. BAKOLA
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

13: SRI MAHANANDA NATH
SON OF LATE GUNARAM NATH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

14: SRI RUNU BORAH
SON OF LATE NAGEN BORAH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

15: SRI MAHENDRA NATH
SON OF LATE MADHARAM NATH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

16: SRI MINARAM BHUYAN
SON OF LATE PUNARAM BHUYAN
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

17: SMT. TUSHESWARI DEVI
WIFE OF LATE LOKESWAR NATH
RESIDENT OF VILLAGE- CHAMDHARA PANIGAON
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 784182

18: SRI CHANDRA KANTA SAIKIA
SON OF LATE BHABIRAM SAIKIA
RESIDENT OF VILLAGE- CHAMDHARA
P.O. NAHARBARI
P.S. JAMUGURI
DISTRICT- SONITPUR
ASSAM
PIN- 78418

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND D.M. DEPARTMENT, DISPUR,
GUWAHATI-6

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND D.M. DEPARTMENT
DISPUR
GUWAHATI-6

3:THE DEPUTY COMMISSIONER CUM COLLECTOR
SONITPUR
TEZPUR
DISTRICT- SONITPUR
ASSAM

PIN-

4:THE COMPETENT AUTHORITY CUM ADDITIONAL DEPUTY
COMMISSIONER (CALA)
LAND ACQUISITION
SONITPUR
TEZPUR
DISTRICT- SONITPUR
ASSAM
PIN-

5:THE CIRCLE OFFICER
NA-DUAR REVENUE CIRCLE
DISTRICT- SONITPUR
ASSAM
PIN-

6:THE NATIONAL HIGHWAY AUTHORITY OF INDIA
REPRESENTED BY CHIEF GENERAL MANAGER
SECTOR-10
DWARKA
NEW DELHI- 110075

7:THE CHIEF GENERAL MANAGER
NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED
3RD FLOOR
PTI BUILDING
4-PARLIAMENT STREET
NEW DELHI- 110001

8:THE SECRETARY
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
GOVERNMENT OF INDIA
TRANSPORT BHAWAN
1 PARLIAMENT STREET
NEW DELHI- 11000

Advocate for the Petitioner : MR. N BORAH

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 01-03-2024

Heard Mr. N. Borah, learned counsel for the petitioners; Ms. N. Bordoloi, learned Standing Counsel, Revenue & Disaster management Department for the respondent nos. 1 & 2; Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 3, 4 & 5; Ms. R. Borah, learned Standing Counsel, National Highway Authority of India for the respondent no. 6; and Mr. R.K. Talukdar, learned Standing Counsel, National Highway and Infrastructure Development Corporation Ltd. for the respondent nos. 7 & 8.

2. The petitioners, 18 [eighteen] in nos., have preferred this writ petition stating that they have a common cause of action to espouse. It is the case of the petitioners that their parcels of land have been acquired by an acquisition process initiated under the provisions of the National Highways Act, 1956 for the purpose of a project, 'Construction of 4 laning of National Highway in Sonitpur District'. In the process of such acquisition, different amounts of compensation are shown to have been assessed in the estimate prepared under Section 3G of the National Highways Act, 1956 in favour of the petitioners. As the petitioners' parcels of land are shown valuation only at Rs. 1,15,000/- per bigha, the petitioners are aggrieved on the premise that the present market value of those parcels of land are much higher at Rs. 13,00,000/- per bigha. Aggrieved by such lesser amount of compensation awarded in their favour on the basis of such lesser valuation of the petitioners' parcels of land in the said acquisition process, the petitioners have preferred an application under Section 3G[5] of the

National Highways Act, 1956 before the then Commissioner, North Assam Division, Tezpur, who was appointed as Arbitrator by the Central Government under Section 3G[5] of the National Highways Act, 1956. It is the case of the petitioners that their application before the Arbitrator has been registered and numbered as Appeal Case no. 18/2022. As during the subsequent period, the post of Commissioner of Divisions in Assam including the office of the Commissioner, North Assam Division, came to be abolished by a Notification dated 17.07.2023 of the General Administration Department, Government of Assam, the petitioners have approached this Court on the ground that in the absence of Arbitrator there will be delay in disposal of their application, Appeal Case no. 18/2022.

3. A Notification bearing no. S.O.805[E] of the Ministry of Road Transport and Highways, Government of India issued on 21.02.2024 has been placed on record. On perusal of the said Notification, it is noticed that the said notification has been issued in pursuance of sub-section [5] of Section 3G of the National Highways Act, 1956 whereby the Central Government has appointed the officer mentioned in column [2] of Table therein, to be the Arbitrator under sub-section [5] of Section 3G of the National Highways Act, 1956. The Notification has further indicated that the officer so appointed shall exercise the powers conferred and perform the duties entrusted on an Arbitrator under the National Highways Act, 1956 within the local limits of his respective jurisdiction as specified in column [3] & [4] of the Table. It has further mentioned that sub-section [6] and sub-section [7] of Section 3G of the National Highways Act, 1956 shall be taken into consideration by the Arbitrator while passing the Awards. The relevant excerpts of the Notification is quoted here-under :-

**MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
NOTIFICATION**

New Delhi, the 21st February, 2024

S.O.805[E]. – In pursuance of sub-section [5] of Section 3G of the National Highways Act, 1956 [48 of 1956], the Central Government hereby appoints the Officer mentioned in column [2] of the Table below, to be Arbitrator for the purpose of the said sub-section, who shall exercise the powers conferred and perform the duties imposed, on an Arbitrator by or under the said Act within the local limits of his respective jurisdiction as specified in column [3] and [4] of the said Table. Sub-Section [6] & [7] of Section – 3G of the Act shall be taken into consideration while passing awards by the Arbitrator.

TABLE

Sl. No.	Designation of the Officer	Revenue District	State
[1]	[2]	[3]	[4]
1	Special Secretary to Govt of Assam	Sonitpur	Assam

4. With the appointment of the Arbitrator in respect of the National Highway project within the district of Sonitpur, the common grievance raised by the petitioners herein is found to be effectively redressed. In order to facilitate the Arbitrator so appointed, to deal with the arbitration proceedings, Appeal Case no. 18/2022 relating to the application[s] of the petitioners, the State respondent authorities shall transmit the records of the concerned arbitration proceeding of the petitioners herein, who have already submitted their application[s] seeking enhancement/re-assessment of the compensation amount before the office of the erstwhile Divisional Commissioner, North Assam Division to the office of the newly appointed Arbitrator within a period of 4 [four] weeks from today. On receipt of the records of the arbitration case[s] of the

petitioners, the Arbitrator so appointed, shall proceed to consider and dispose of the application[s] as expeditiously as possible, preferably within a period of 6 [six] months from the date of receipt of the records of Appeal Case no. 18/2022.

5. With the observations made and directions given above, the writ petition is disposed of. No cost.

JUDGE

Comparing Assistant