

GAHC010157702025



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

**Case No. : WP(C)/4053/2025**

NIJAM UDDIN LASKAR  
S/O LT ALI RAJA LASKAR VILL RONGPUR PART I PO DAYAPUR PS  
SILCHAR DIST CACHAR ASSAM

VERSUS

THE UNION OF INDIA AND ORS  
REP BY THE SECRETARY TO THE GOVT OF INDIA MINISTRY OF ROAD  
TRANSPORT AND HIGHWAYS TRANSPORT BHAWAN 1 PARLIAMENT  
STREET NEW DELHI 1

2:THE STATE OF ASSAM  
REP BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT DISPUR GHY 6

3:THE DISTRICT COMMISSIONER AND COMPETENT AUTHORITY OF LAND  
ACQUISITION  
CACHAR  
SILCHAR

4:THE CO DISTRICT COMMISSIONER AND COMPETENT AUTHORITY OF  
LAND ACQUISITION CACHAR  
SILCHAR

5:THE NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT  
CORPORATION LTD (NHIDCL)  
REP BY THE DEPUTY GENERAL MANGER NHIDCL CACHAR SILCHAR

6:THE ASSISTANT SETTLEMENT OFFICER  
SILCHAR SADAR CIRCLE SILCHAR DIST CACHAR ASSA

For the Petitioner(s) : Mr. F. U. Barbhuiya, Advocate

For the Respondent(s) : Ms. R. Borah, Advocate  
Mr. H. Sarma, Advocate

**BEFORE**

**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

Date of Hearing : 09.03.2026

Date of Judgment : 09.03.2026

**JUDGMENT AND ORDER (ORAL)**

Heard Mr. F. U. Barbhuiya, the learned counsel appearing on behalf of the petitioner. Ms. R. Borah, the learned counsel appears on behalf of the respondent Nos.1 & 5. None appears on behalf of the Revenue Department of the Government of Assam. Mr. H. Sarma, the learned counsel appears on behalf of the respondent Nos.3, 4 & 6.

2. The petitioner herein is aggrieved by the action on the part of the respondent No.4 who is the Competent Authority under the provisions of the National Highways Act, 1956, (for short, 'the Act of 1956') in not referring the dispute pertaining to the inadequacy of compensation as determined under Section 3G(1) of the Act of 1956 to the Arbitrator.

3. The materials on record, more particularly the pleadings in the writ petition show that the petitioner claims to be an owner

of a plot of land admeasuring 7 kathas 8 gondas under the 2<sup>nd</sup> RS Patta No.88 of Dag No.234 situated under Sub-Registry Office Silchar, P.S.-Silchar, Pargana-Barakpar, Mouza-Rongpur Part-I. Upon the said land, the petitioner had constructed an Assam Type House with three commercial shops. The respondent No.1 had issued a notification under Section 3A(1) of the Act of 1956 declaring their intention to acquire the land by mentioning the plot number with area in hectares along with the type of land and the nature of land of respective villages including the land of the petitioner at Village Rongpur Part-I for the purpose of widening/four-laning the operation of NH-37 falling in the stretch of land from Km. 4.50 to Km.24.560 in the district of Cachar. The petitioner's land has been mentioned at Serial No.134 of plot No.234 (Dag No.234) with an area of 0.052 hectare along with one Abil Hussain Laskar, but the land of the petitioner has been shown as agricultural land, which is otherwise as per the petitioner, a commercial land. The petitioner thereupon submitted a representation before the respondent No.4 through the Office of the respondent No.3 on 11.03.2024. However, no positive steps in that regard were taken. Thereupon, a notification was issued under Section 3D of the Act of 1956 thereby declaring the land specified in the Schedule to the said Notification to vest absolutely in the Central Government.

4. The petitioner submitted representations on 13.05.2025 and 26.06.2025 being aggrieved by the inadequacy of compensation as the land of the petitioner was not taken as a commercial land, but rather the determination of compensation was made as an agricultural land. The petitioner vide the said communications also sought that the matter be referred to the Arbitrator under Section 3G(5) of the Act of 1956 and the compensation be determined in terms with Section 3G(7) of the Act of 1956 read with Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Respondent Authorities, more particularly the respondent No.4 has not taken any steps in that regard and it is under such circumstances, that the petitioner has been constrained to approach this Court.

5. This Court further takes note that when the writ petition was listed before this Court on 11.08.2025, notice was issued. The respondents have not produced any instructions in respect to the grievance of the petitioner. The instruction which has been placed is that the amount which has been awarded to the petitioner has already been disbursed to the petitioner.

6. Mr. F. U. Barbhuiya, the learned counsel appearing on behalf of the petitioner submitted that there is no dispute that the amount which has been awarded to the petitioner has been

disbursed to the petitioner. The dispute or the grievance of the petitioner is that no steps have been taken for making the reference in terms with Section 3G(5) of the Act of 1956 for which the representations were being submitted.

7. Taking into account that the petitioner had submitted not only one but two representations, i.e. the representation dated 13.05.2025 and the representation dated 26.06.2025, it is the opinion of this Court that the respondent No.4 ought to have referred the dispute to the Arbitrator so appointed by the Central Government for determination on the question of inadequacy of the compensation. The same having not been done, it is therefore the opinion of this Court that necessary directions are required to be passed.

8. Accordingly, the instant petition stands disposed of with the following observations and directions:-

(i) The respondent Nos.3 & 4, and more particularly the respondent No.4 is directed to act upon the representations submitted by the petitioner dated 13.05.2025 and 26.06.2025 enclosed as Annexures 6 and 7 to the instant writ petition and thereupon refer the dispute as regards inadequacy of the compensation to the Arbitrator.

(ii) The same be done within a period of 30 days from the

date a certified copy of the instant judgment is served upon the respondent No.4.

**JUDGE**

**Comparing Assistant**