

MC No. 92 of 2012
IN WP(C) No.69 of 2012

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR
SINGH

This Misc. Case stands disposed of for the
reasons mentioned in the WP(C)No. 69 of 12.

JUDGE CHIEF JUSTICE
(Hon'ble Mr Justice TNK Singh)

dev
30.09.13

MC No. 307 of 13
IN WP(C) No.201 of 2013

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR
SINGH

Shri R Kar, Advocate, present for the
applicant.

Shri ND Chullai, Sr. GA, present for the
respondents.

This is application for permission to make
corrections in WP(C)No. 201 of 2013 in the light of
order dated 23.09.2013.

Heard.

Corrections allowed to be made within two
days. Misc. Case stands disposed of.

JUDGE CHIEF JUSTICE
(Hon'ble Mr Justice TNK Singh)

dev
30.09.13

MC No. 309 of 13
IN WP(C) No.247 of 2013

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri AS Siddique, Advocate, present for the applicants.

Shri VK Jindal, Sr. Advocate, present for the writ petitioner.

Heard.

By means of this application, the applicants have sought for impleadment in the WP(C) No. 247 of 2013.

It appears that in a similar matter the present applicants who have filed WP(C) No. 203 of 13 have impleaded the present applicants as respondents. The issues raised in the two petitions are inter-connected.

Having considered the submissions of the learned counsel for the parties, this Misc. Application is allowed. The applicants No. 1 and 2 be impleaded as respondents No. 6 and 7 in the WP(C) No. 247 of 13.

The newly impleaded respondents shall file counter affidavit in the said case before the next date fixed i.e. 21.10.2013.

A copy of the writ petition shall be supplied by the writ petitioner to the newly impleaded respondents during the course of the day.

Misc. Case stands disposed of.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
30.09.13

MC No. 310 of 13
IN WP(C) No.203 of 2013

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri R Sahu, Advocate, present for the applicants.

Shri ND Chullai, Sr. GA, present for the
respondents.

By means of this application, the applicants have
prayed for interim stay.

A counter affidavit has already been directed to be
filed by the respondents by this Court on 16.09.2013.
Learned counsel for the respondents submitted that even
if the impugned order, challenged in the main petition is
quashed, the realization of weighing charges, cannot be
discontinued till then.

List this interim stay application along with the
main petition on 21.10.2013.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
30.09.13

Review Petn No.11 of 2009

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Shri S Chakravorty,
Advocate, present for the appellant/review applicant.

List on 04.10.2013 for final hearing.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
30.09.13

WA No.3 of 2013

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Ms A Thankghiew,
Advocate, holding the brief for Shri N Dutta, counsel
for the respondents.

List this case after puja vacation.

JUDGE CHIEF JUSTICE
(Hon'ble Mr Justice TNK Singh)

dev
30.09.13

WA No.39 of 2012

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Shri R Kar, Advocate,
present for the appellant.

List this case after puja vacation.

JUDGE CHIEF JUSTICE
(Hon'ble Mr Justice TNK Singh)

dev
30.09.13

WA No.43 of 2011

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Shri K Paul, Advocate,
present for the appellant.

List this case after puja vacation.

JUDGE CHIEF JUSTICE
(Hon'ble Mr Justice TNK Singh)

dev
30.09.13

WP(C) No.22 of 2011

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Adjourned at the request of Shri BK Deb Roy,
Advocate, present for the petitioner.

List this case after puja vacation.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
30.09.13

WP(C)No.69 of 2012

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri P Dey, Advocate, present for the petitioner.

Shri ND Chullai, Sr. GA, present for the respondents.

Oral : Hon'ble Mr Justice Prafulla C. Pant, C.J.

Heard.

By means of this writ petition under Article 226 of the Constitution of India, the writ petitioners have challenged the acquisition of the land of the petitioners vide Notification No. RDA 18/2008/45 dated 20.11.2008 for the purposes of construction of Umsning By-Pass on Guwahati-Shillong Road.

Learned counsel for the petitioners submitted that the petitioners are the cultivators and they would be deprived of their livelihood by acquisition of the land by the State Government.

On the other hand, on behalf of the respondents, it is stated that the notification under the Land Acquisition Act, 1894 was issued, and acquisition was made after hearing the objections under Section 5A of the Act. NH - 40 is the only lifeline connecting Guwahati-Shillong.

In the counter affidavit filed on behalf of the Deputy Commissioner, it has been stated that the Public Works Department, Govt. of Meghalaya, received communication from the National Highway Authority of India, Ministry of Roads Transport & Highways, Govt. of India stating that the contract on four laning from Jorabat-Barapani with Umsning By Pass has been awarded (after the acquisition) to M/s Jorabat Shillong Express Way (P) Ltd., and at this stage any change in

the alignment is not possible. It is further stated that 4-Laning project is a time bound project, and any delay in handing over the land to the contractor would create serious difficulty.

In para 13 of the counter affidavit of the Deputy Commissioner, it has been stated that if the alignment is shifted from the By-Pass in question, it would lead to massive demolitions and evictions through the other alternative route which is practically impossible.

On behalf of the petitioner, it is argued that in the Noida Land Acquisition case, the Supreme Court has deprecated the acquisition of the cultivators land as it deprives the cultivators of their livelihood. However, the said case related to the acquisition of the land for the builders.

In the above circumstances, having considered the submissions of the learned counsel for the parties, this Court is not inclined to interfere with the acquisition challenged by the petitioners.

Therefore, this writ petition is dismissed summarily.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
30.09.13

WP(C) No.201 of 2013

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Shri R Kar, Advocate, present for the petitioner.

Shri ND Chullai, Sr. GA, present for the
respondents.

Learned counsel for the petitioner prays for and is
allowed two days time to take steps in the light of the
order dated 23.09.2013.

Issue notice to respondent No. 5 as directed on
23.09.2013.

List this case on 21.10.2013.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
30.09.13

WP(C) No.203 of 2013

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

List this case on 21.10.2013.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
30.09.13

WP(C) No.247 of 2013

30.09.2013

HON'BLE THE CHIEF JUSTICE
and HON'BLE MR JUSTICE T. NANDAKUMAR SINGH

Separate order has been passed in Misc. Case No. 309 of 2013, directing impleadment of respondents No. 5 and 6, who are allowed to file counter affidavits before the next date fixed.

List this case on 21.10.2013.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
30.09.13