

04.11.2013

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

ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE

Shri S Sen, Advocate, present for the writ petitioners.

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

Heard.

By means of this writ petition moved under Article 226 of the Constitution of India, the writ petitioners have sought writ in the nature of mandamus declaring the acquisition of the Akhingland belonging to the writ petitioners situated at Samanda as illegal. It is further prayed that the writ petitioners should have been awarded actual market value of the land acquired by the respondents. Thirdly, it is prayed that the representation dated 16.09.2008 made by the writ petitioners be treated as application for reference and the Deputy Commissioner, East Garo Hills District, Williamnagar, be directed to send the same to the Reference Court for determination of the market value of the land under Section 18 of the Land Acquisition Act, 1894.

The writ petitioners have not challenged the legality of the acquisition of the land, measuring 645.46 bighas acquired in the year 2008. In substance what has been pleaded is that the amount of compensation of Rs. 1,34,33,172/- awarded to the writ petitioners in lieu of the land acquired is insufficient. From the writ petition, it appears that the writ petitioners have already received the amount of compensation. It is contended on behalf of the writ petitioners that the amount assessed and paid to the writ petitioners is highly insufficient. It is argued that instead of assessing value of the land @ Rs. 15,000/- per

Bigha, compensation should have been awarded @ Rs. 70,000/- per Bigha to the writ petitioners.

Learned counsel for the writ petitioners stated that he is not pressing this writ petition for declaring the acquisition of the land as illegal, and confines his prayer only regarding making reference to the Reference Court to get the assessed the market value of the land at the time of acquisition.

In the above circumstances, the prayer made in Clause (a) of (1) of para 20 of the writ petition is dismissed as not pressed. However, as to the prayer (b) of (1) of para 20, it is directed that the writ petitioners may make an application before the Deputy Commissioner, East Garo Hills District, Williamnagar, for getting the reference made under Section 18 of the Land Acquisition Act, 1894 to the Reference Court, within a period of thirty days from today. The Deputy Commissioner, East Garo Hills District, may also consider the request for condonation of delay, if any, in moving such application, may make reference to the Reference Court.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

WP(C)No. 87 of 13

04.11.2013

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

Shri S Dey, Advocate, present for the writ petitioners.

Smti T Yangi, Advocate, present for the respondents.

Heard.

By means of this writ petition, the writ petitioners have challenged the Notification dated 27.03.2008 and Notification dated 10.06.2008, issued by the respondents withdrawing/reducing the central excise concession granted to the new units established under North Eastern Industrial and Investment Promotion Policy 2007.

Admit the petition.

Affidavit-in-opposition has already been filed.

List this writ petition for final hearing showing the name of Smti T Yangi, counsel for the respondents, along with other connected matters, if any.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

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04.11.13

WP(C)No. 117 of 13

04.11.2013

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

Adjourned at the request of Shri K Choudhury,
counsel for the writ petitioner.

List on 20.11.2013 for final hearing.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

WP(C)No. 118 of 13

04.11.2013

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

Adjourned at the request of Shri K Choudhury,
counsel for the writ petitioner.

List on 20.11.2013 for final hearing.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

WP(C)No. 119 of 12

04.11.2013

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

Shri SD Upadhaya, Advocate, present for the writ petitioner.

Shri ND Chullai, Sr. Advocate, present for the State respondents No. 1 and 2.

Shri M Shangpliang, Advocate, present for legal representative of respondents No. 3/1, 3/2, 3/3 & 3/4.

Learned counsel for respondents No. 1 and 2 and learned counsel for respondents No. 3/1, 3/2, 3/3 & 3/4, pray for and are allowed further three weeks' time to file counter affidavits.

The writ petitioner is allowed to correct the array of parties in the writ petition.

List after three weeks.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

WP(C)No. 126 of 13

04.11.2013

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

Shri HL Shangreiso, Advocate, present for the writ petitioner.

Shri R Deb Nath, CGC, present for respondents No. 1 and 2.

Learned counsel for the writ petitioner prays for and is allowed further one week's time and no more time for filing rejoinder affidavit.

List on 11.11.2013 for orders.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

FAO No. 1 of 12

04.11.2013

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

Adjourned at the request of Ms AR Nath, counsel for
the appellant.

List on 13.11.2013.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

MC No. 151 of 2013
IN WP(C)No. 117 of 13

04.11.2013

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

List along with WP(C)No. 117 of 2013 on 20.11.2013.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

MC No. 152 of 2013

IN WP(C)No. 118 of 13

04.11.2013

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

List along with WP(C)No. 118 of 2013 on
20.11.2013.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

MC No. 362 of 12
IN WP(C)No. 74 of 12

04.11.2013

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

In view of the order of the date passed in WP(C)No. 74
of 2012, this Misc. Case also stands disposed of.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

WA No. 21 of 12

04.11.2013

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

Shri R Jha, Advocate, present for the appellant.

Shri SC Shyam, Sr. Advocate, present for the respondents.

Heard.

This writ appeal is directed against the judgment and order dated 28.06.2012, passed by the learned single Judge in WP(C)No. 277 of 2011, whereby said writ petition was dismissed.

Admit.

List this writ appeal for final hearing in due course.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

WA No. 42 of 2013
IN WP(C)No. 43 of 13

04.11.2013

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

List this matter before another Bench of which one
of us (PC Pant, CJ) is not a Member.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

WA No. 43 of 2013
IN WP(C)No. 174 of 13

04.11.2013

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

List this matter before another Bench of which one
of us (PC Pant, CJ) is not a Member.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

dev
04.11.13

04.11.2013

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

ORAL: HON'BLE PRAFULLA C. PANT, CHIEF JUSTICE

Shri S Sen, Advocate, present for the writ petitioners.

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

Heard.

By means of this writ petition moved under Article 226 of the Constitution of India, the writ petitioners have sought writ in the nature of mandamus declaring the acquisition of the Akhingland belonging to the writ petitioners situated at Jambal as illegal. It is further prayed that the writ petitioners should have been awarded actual market value of the land acquired by the respondents. Thirdly, it is prayed that the representation dated 12.07.2011 made by the writ petitioners be treated as application for reference and the Deputy Commissioner, East Garo Hills District, Williamnagar, be directed to send the same to the Reference Court for determination of the market value of the land under Section 18 of the Land Acquisition Act, 1894.

The writ petitioners have not challenged the legality of the acquisition of the land, measuring 145.68 hectares (i.e. 1092 bighas, 3 kathas) acquired in the year 2009. In substance what has been pleaded is that the amount of compensation of Rs. 2,26,90,458/- awarded to the writ petitioners in lieu of the land acquired is insufficient. From the writ petition, it appears that the writ petitioners have already received the amount of compensation. It is contended on behalf of the writ petitioners that the amount assessed and paid to the writ petitioners is highly insufficient. It is argued that instead of assessing value of

the land @ Rs. 70,000/- per Bigha, compensation wrongly awarded @ Rs. 15,000/- per Bigha to the writ petitioners.

Learned counsel for the writ petitioners stated that he is not pressing this writ petition for declaring the acquisition of the land as illegal, and confines his prayer only regarding making reference to the Reference Court to get the assessed the market value of the land at the time of acquisition.

In the above circumstances, the prayer made in Para 19 (i), (ii) & (iii) of the writ petition is dismissed as not pressed. However, as to the prayer (iv) & (v) of para 19, it is directed that the writ petitioners may make an application before the Deputy Commissioner, East Garo Hills District, Williamnagar, for getting the reference made under Section 18 of the Land Acquisition Act, 1894 to the Reference Court, within a period of thirty days from today. The Deputy Commissioner, East Garo Hills District, may also consider the request for condonation of delay, if any, in moving such application, may make reference to the Reference Court.

JUDGE
(Hon'ble Mr Justice TNK Singh)

CHIEF JUSTICE

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04.11.13