
(2025) 11 GAU CK 1786
In the Gauhati High Court
Case No : WP(C) Of 5798 Of 2014

Dinabandhu Talukdar

APPELLANT

Vs

State Of Assam And Anr

RESPONDENT

Date of Decision : 01-11-2025

Acts Referred:

Constitution of India, 1950 — Article 300(A)
Land Acquisition Act, 1894 — Section 16, 18

Citation : (2025) 11 GAU CK 1786

Hon'ble Judges : Devashis Baruah, J

Bench : Single Bench

Advocate : G. N. Sahewalla, M. Sahewalla, U. Das, S. Dutta

Final Decision : Dismissed

Judgement

Devashis Baruah, J

1. Heard Mr. G. N. Sahewalla, the learned Senior Counsel assisted by Mr. M. Sahewalla, the learned counsel appearing on behalf of the petitioners. Also heard Ms. U. Das, the learned Additional Senior Government Advocate who appears on behalf of the District Administration as well as Mr. S. Dutta, the learned counsel who appears on behalf of the Revenue and Disaster Management Department.

2. The petitioners herein have approached this Court in the year 2014 alleging that in the year 1962, for the purpose of construction of the National Highway No.31 under the Barpeta Road Town in the district of Barpeta, Assam, land of the petitioners were acquired, but no compensation have been paid.

3. It is seen from the materials on record that there is no denial of the fact that the land of the petitioners were acquired in the year 1962 which were covered by Dag Nos.1589/1847/1850 of KP Pata No.789 of village-Barpeta under Mouza-Gobardhana in the district of Barpeta, Assam. The record further reveals that the petitioners did not take any steps in terms with Section 18 of the Land Acquisition Act, 1894. It has been contended that certain representations were

submitted on 30.07.2009 which is after a period of 47 years claiming compensation.

4. Record further reveals that there was an enquiry report being made and it is the grievance of the petitioners that even after acknowledging that the petitioners' land were acquired, no payment was made, and as such, the present petition.

5. This Court has also perused the affidavit-in-opposition which was filed by the respondent No.1 where it was mentioned that the claims of the petitioners are not tenable in as much as after carrying out the acquisition, the petitioners never approached the authorities. Even the names in the land records were changed in the year 1969. It was further stated that the claims of the petitioners were also rejected by the Additional Chief Secretary, Revenue and Disaster Management Department.

6. This Court has also perused the affidavit-in-reply filed by the petitioners wherein the petitioners enclosed a communication dated 30.10.1976 issued by the Sub-Divisional Officer, Barpeta.

7. In the backdrop of the above, this court has also heard the learned counsels appearing on behalf of the parties.

8. Mr. G. N. Sahewalla, the learned Senior Counsel appearing on behalf of the petitioners has placed before this Court the judgment of the Supreme Court in the case of Sukh Dutt Ratra and Another vs. State of Himachal Pradesh and Others, reported in (2022) 7 SCC 508 and submitted that as the rights of the petitioners have been violated under Article 300A of the Constitution, the petitioners were entitled to the compensation.

9. This Court has duly perused the said judgment rendered by the Supreme Court in the case of Sukh Dutt Ratra (supra) and in the opinion of this Court, the principles laid down therein would not apply taking into account that in that case, the authorities concerned had possessed the land of the petitioners therein without acquiring the land and it is under such circumstances, a writ petition was filed seeking appropriate directions for acquisition and thereupon making payment.

10. However in the instant case, admittedly the lands were acquired in the year 1962 and by operation of law, i.e. Section 16 of the Land Acquisition Act, 1894, the land stood vested upon the State. The petitioners therefore did not take any steps as is required under Section 18 of the Land Acquisition Act, 1894 and it was only in the year 2009 that a representation was submitted.

11. In the opinion of this Court, the act on the part of the petitioners amounts to sleeping over the rights. It is the settled principle of law that the Court is not expected to give indulgence to such indolent persons who compete with Kumbhakarna or for that matter Rip Van Winkle as in the instant case.

12. Considering the above, the instant writ petition stands dismissed.
13. However, in the facts of the case, this Court is not inclined to impose costs.