
(1983) 01 GAU CK 0002
In the Gauhati High Court
Case No : Civil Rule No. 441 of 1982

Sri Gouri Shankar Kejriwal

APPELLANT

Vs

The Collector and Others

RESPONDENT

Date of Decision : 05-01-1983

Acts Referred:

Assam Land (Requisition and Acquisition) Act, 1964 — Section 9(1)
Constitution of India, 1950 — Article 226

Citation : (1983) 1 GLR 204

Hon'ble Judges : D. Pathak, Acting C.J.; K.N. Saikia, J

Bench : Division Bench

Advocate : D.N. Baruah and C. Baruah, for the Appellant; D.N. Choudhury, Sr. Govt. Advocate, for the Respondent

Final Decision : Allowed

Judgement

D. Pathak, A.C.J.

1. This is an application under Article 226 of the Constitution of India making a grievance by the Petitioner that the land of the Petitioner was acquired u/s 9(1) of the Assam land (Requisition and Acquisition) Act, 1964 but till date the award of compensation has not been made favour of the Petitioner.

2. As early as on 22.3.70 the Deputy Commissioner, Lakhim(sic) District Dibrugarh by a notice under No. DRLA/2/9170/18 dated 22.3.70 acquired an area of 1 Katha 1 Lacha of land Covered by old Dag No. 3268 corresponding to New Dag No. 6 Under old periodic Patta No. 82 corresponding to now Periodic Patta No. 83 For the last twelve years the Petitioner has been approaching the authorities for making the award of compensation respect of the said land. The Respondents have filed affidavit opposition and they have stated in para 7 of the affidavit if the award could not be made as the Flood Control Department is yet to sanction the estimated amount. It has further averred in para 9 of the affidavit in opposition that the award in question could not be made as the estimated amount was not sanctioned by the Flood Control Department. Be that it may, it is

up to the authority concerned to take the sanction as regards the compensation money. If the sanction is not obtained the land-holder, in respect of which the Petitioner deprived, is not to suffer. We think it is a fit case where we shall give direction to the concerned authority to make an award in respect of the land under acquisition within, a period expeditiously as possible not exceeding two months. We order accordingly.

3. Accordingly this petition is allowed and the Rule is made absolute. There will be no order as to costs.