



Serial No. 07
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No. 405 of 2018 with
WP(C) No. 402 of 2018
WP(C) No. 403 of 2018
WP(C) No. 404 of 2018

Date of order: 05.08.2019

Shri Banjang Marak & Anr.	Vs.	State of Meghalaya & Ors.
Shri Sengbath Sangma & Anr.	Vs.	State of Meghalaya & Ors.
Shri Praiwil Sangma & Anr.	Vs.	State of Meghalaya & Ors.
Shri Pollen Sangma & Anr.	Vs.	State of Meghalaya & Ors.

Coram:

Hon'ble Mr. Justice Ajay Kumar Mittal, Chief Justice

Appearance:

For the Petitioner/Appellant(s) : Mr. A.S. Siddiqui, Adv.

For the Respondent(s) : Mrs. S. Bhattacharjee, GA

1. This order shall dispose of WP(C) Nos. 402, 403, 404 and 405 of 2018 as learned counsel for the parties submitted that the issues involved therein are identical. The facts are being extracted from WP(C) No. 405 of 2018.

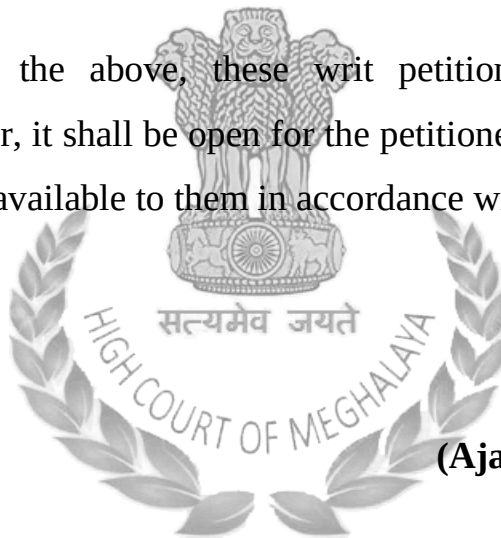
2. In these writ petitions, the petitioners have challenged the action of the Collector in determining fair compensation, as according to them, the compensation awarded is inadequate.

3. In WP(C) No. 405 of 2018, upon notice having been issued, a reply on behalf of the respondents has been filed. It has been stated that preliminary notification under Section 11 (1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 [In short 'the 2013 Act'] (Notification No. RDA.67/2015/25) was issued on 18.08.2016 by the Joint Secretary to the Govt. of Meghalaya, Revenue & Disaster Management Department, Meghalaya, Shillong for construction of National Highway, NH44E. The award was made on 06.01.2018.



4. Learned counsel for the respondents submitted that in terms of Section 64 of the 2013 Act, the petitioners have not approached the appropriate authority or filed any written application before the Collector requiring him to refer the matter for determination of the adequate compensation to the appropriate authority. However, learned counsel for the petitioners submitted that a joint representation dated 27.07.2018 and 13.08.2018 had been submitted, though not in the required format. Accordingly, a prayer was made to withdraw these writ petitions with liberty to file an appropriate written application to the Collector under Section 64 of the 2013 Act for making reference to the appropriate authority for determining the fair compensation.

5. In view of the above, these writ petitions are dismissed as withdrawn. However, it shall be open for the petitioners to take recourse to the remedies as are available to them in accordance with law.



(Ajay Kumar Mittal)
Chief Justice

Meghalaya
05.08.2019
"Sylvana PS"