



2025:GAU-AS:3178-DB

**IN THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM & ARUNACHAL PRADESH)**

**(1) WRIT APPEAL NO.185/2017**

1. The State of Assam, represented by the Commissioner & Secretary to the Government of Assam, Department of Revenue & Disaster Management (L.R.), Dispur, Guwahati – 781006.

2. The Deputy Commissioner of Kamrup District, Amingaon, Guwahati – 781031, Assam.

**.....Appellants**

**-Versus-**

1. On the death of Ananta Ram Nath, his legal heirs:-

1.1. Sri Abani kanta Nath.

1.2. Sri Promod Nath.

1.3. Smti. Binita Nath.

1.4. Smti. Bhanu Nath.

1.5. Sri Monaj Nath.

1.6. Sri Tapan Nath.

All are sons and daughters of Late Ananta Ram Nath, Resident of Village: Sontola, PO: Mirza, PS: Palashbari, Kamrup, Assam, PIN – 781125.

2. Ramesh Chandra Talukdar.

3. Shri Jogeswar Talukdar.

4. Shri Sanjay Talukdar.

All are sons of Late Maheswar Talukdar,  
Resident of Village: Bangara (Majpara), PS:  
Palashbari, PO: Mirza, Kamrup, Assam, PIN –  
781125.

5. Smti. Kashallya Talukdar,  
Wife of Late Mowaram Talukdar.  
Resident of Village: Bangara (Majpara), PS:  
Palashbari, PO: Mirza, Kamrup, Assam, PIN –  
781125.

6. Shri Purna Ram Nath.

7. Shri Marmeswar Nath.

8. Shri Sabharam Nath.

9. Shri Deven Nath.

All are sons of Late Dhani Ram Nath, Resident  
of Village: Sontola, PO: Mirza, PS: Palashbari,  
Kamrup, Assam, PIN – 781125.

10. Shri Birahu Nath,  
Son of Rajin Nath,  
Resident of Village: Bangara (Majpara), PS:  
Palashbari, PO: Mirza, Kamrup, Assam, PIN –  
781125.

11. Shri Prafulla Chandra Nath,  
Son of Late Adit Nath,  
Resident of Village: Sontola, PO: Mirza, PS:  
Palashbari, Kamrup, Assam, PIN – 781125.

12. Shri Pratap Mali,  
Son of Maheswar Mali,  
Resident of Village: Sontola, PO: Mirza, PS:  
Palashbari, Kamrup, Assam, PIN – 781125.

13. Shri Kamaleswar Mali,  
Son of Late Chakin Mali,  
Resident of Village: Sontola, PO: Mirza, PS:  
Palashbari, Kamrup, Assam, PIN – 781125.

14. Shri Manik Chandra Nath,  
Son of Late Chandi Nath,

Resident of Village: Sontola, PO: Mirza, PS: Palashbari, Kamrup, Assam, PIN – 781125.

15. Smti. Nirala Bala Choudhury,  
Daughter of Late Krishna Choudhury,  
Resident of Village: Palashbari, Ward No.4, PO  
& PS: Palashbari, Kamrup, PIN – 781128.

16. Smti. Bhanu Prava Kalita,  
Wife of Shri Suren Kalita,  
Resident of Village: Palashbari, Ward No.4, PO  
& PS: Palashbari, Kamrup, PIN – 781128.

17. Shri Anil Boro,  
Son of Raheswar Boro,  
Resident of Village: Sontola, PO: Mirza, PS:  
Palashbari, Kamrup, Assam, PIN – 781125.

18. Shri Subhash Boro @ Bharat Ch. Boro, Son  
of Raheswar Boro, Resident of Village: Sontola,  
PO: Mirza, PS: Palashbari, Kamrup, Assam, PIN  
– 781125.

**.....Respondents**

19. The Union of India, represented by the  
Secretary to the Government of India, Ministry  
of Human Resource Development, Shastri  
Bhawan, C-Wing, Dr. Rajendra Prasad Road,  
New Delhi, PIN – 110001.

20. The Indian Institute of Information  
Technology, Guwahati, represented by its  
Director, having its temporary Institute Campus  
at G.N.B. Road, Ambari, Guwahati – 781001,  
Kamrup (M), Assam.

21. M/s TATA Consultancy Services Limited,  
represented by its Managing Director, having  
its Registered Office at Nirmal Building, 9<sup>th</sup>  
Floor, Nariman Point, Mumbai – 400021.

22. M/s Oil India Limited, represented by its  
Managing Director, having its Corporate Office  
at Corporate Office, Plot No.19, Sector-16A,  
Film City, Noida, Uttar Pradesh, PIN – 201301.

23. M/s Novatium Solutions (P) Limited,  
represented by its Managing Director, having  
its Corporate Office at Plot No.2, V.G.P.

Saraswathy Nagar, 1<sup>st</sup> Street, Rajakilpakkam,  
Chennai, PIN – 600073.

24. M/s Medhassu e-Solutions (P) Limited,  
represented by its Managing Director, having  
its Registered Office at House No.G-4, 2-2-  
647/125A, Sagarika Apartments, Central Excise  
Colony, Bagh Amberpet, Hydrebad, PIN –  
500013, Andhra Pradesh.

25. M/s Srei Infrastructure Finance Limited,  
represented by its Managing Director, having  
its Registered Office at Vishwakarma 86C,  
Topsia Road (South), Kolkata – 700046, West  
Bengal.

26. M/. Assam Electronics Development  
Corporation Limited (AMTRON), represented by  
its Managing Director, having its Office at  
Industrial Estate, Bamunimaidum, Guwahati –  
781021, Assam.

**.....Proforma Respondents**

**(2) WRIT APPEAL NO.208/2017**

1. The State of Assam, represented by the  
Commissioner & Secretary to the Government  
of Assam, Revenue and Disaster Management  
Department, Dispur, Guwahati – 781006.

2. The Deputy Commissioner, Kamrup,  
Amingaon, Guwahati – 781031.

**.....Appellants**

**-Versus-**

1. On the death of Deben Chandra Nath, his  
legal heirs:-

1(A) Mrs. Fulashwari Nath, Married,  
Daughter of Late Deben Chandra Nath,

1(B) Mrs. Basanti Nath, Married,  
Daughter of Late Deben Chandra Nath.

1(C) Mrs. Anima Nath, Married,  
Daughter of Late Deben Chandra Nath.

1(D) Mrs. Bhagya Nath, Married  
Daughter of Late Deben Chandra Nath.

1(E) Sri Biren Ch. Nath,  
Son of Late Deben Chandra Nath.

1(F) Mrs. Bhabani Nath, Married,  
Daughter of Late Deben Chandra Nath.

All are residents of Village: Bongara PS:  
Bongara, PS: Palashbari, Kamrup, Assam, PIN –  
781015.

2. Mrs. Jona Nath,  
Wife of Late Narayan Nath.

3. Shri Ajit Nath,  
Son of Late Narayan Nath.

4. Shri Hitesh Nath,  
Son of Late Narayan Nath.

5. Smti. Gahan Nath,  
Wife of Late Krishna Nath.

6. Shri Rameswar Nath,  
Son of Late Krishna Nath.

7. Shri Kamaleswar Nath,  
Son of Late Krishna Nath.

8. Shri Nipen Nath,  
Son of Late Krishna Nath.

9. Smti. Bina Rani Talukdar,  
Wife of Late Beliram Talukdar.

10. Shri Sarat Nath,  
Son of Late Rajin Nath,

Respondent Nos.2 to 10 are all residents of  
Village: Bongara PS: Palashbari, PO: Bongara,  
Palashbari, Kamrup, Assam, PIN – 781015.

11. Shri Dinesh Mali,  
Son of Late Kalicharan Mali.

12. Shri Chandra Dhar Nath,  
Son of Late Sambhu Ram Nath.

13. Shri Surjya Kanta Nath,  
Son of Late Sambhu Ram Nath.

14. Shri Dhaneswar Nath,  
Son of Late Sambhu Ram Nath.

15. Shri Sarbeswar Nath,  
Son of Late Harimohan Nath.

16. Shri Ajit Nath,  
Son of Bhugeswar Nath.

Respondent Nos.11 to 16 are all residents of  
Village: Sontola, PO: Mirza, PS: Palashbari,  
Kamrup, Assam, PIN – 781025.

17. Shri Gopi Kanta Nath,  
Son of Late Madhab Chandra Nath.

18. Shri Manik Nath,  
Son of Late Dhandala Nath.

19. Shri Prabhat Nath,  
Son of Late Dhandala Nath.

20. Shri Arun Nath,  
Son of Late Dhandala Nath.

21. Shri Dilip Nath,  
Son of Late Nabin Nath.

22. Smti. Sabita Nath,  
Wife of Late Manik Nath.

23. Smti. Munu Nath,  
Wife of Late Tanu Ram Nath.

24. Shri Babul Das,  
Son of Late Kalu Das.

Respondent Nos.17 to 24 are all residents of  
Village: Bongra, PS: Palashbari, PO: Bongara,  
Palashbari, Kamrup, Assam, PIN – 781015.

25. Shri Girindra Nath,  
Son of Rameswar Nath.

26. Shri Rajani Nath,  
Son of Late Rajat Nath.

27. Shri Jogen Nath,  
Son of Late Rajat Nath.

28. Shri Ganesh Nath,  
Son of Late Rajat Nath.

Respondent Nos.25 to 28 are all residents of  
Village: Sontola, PO: Mirza, PS: Palashbari,  
Kamrup, Assam, PIN – 781125.

29. Smti. Nirada Nath,  
Wife of Ningna Nath.

30. Shri Bipul Nath,  
Son of Ningna Nath.

31. Shri Nagen Nath,  
Son of Late Kalaram Nath.

32. Shri Maheswar Nath,  
Son of Late Kalaram Nath.

33. Shri Jogen Nath,  
Son of Late Kalaram Nath.

34. Shri Prafulla Nath,  
Son of Late Bhablu Nath.

35. Smti. Renu Nath,  
Wife of Late Upen Nath.

36. Shri Kamaleswar Nath,  
Son of Bhablu Nath.

37. Shri Jayanta Nath,  
Son of Bhablu Nath.

38. Shri Hareswar Nath,  
Son of Bhablu Nath.

39. Shri Sibu Ram Nath,  
Son of Late Maheswar Nath.

Respondent Nos.29 to 39 are all residents of  
Village: Bongra, PS: Palashbari, PO: Bongara,  
Palashbari, Kamrup, Assam, PIN – 781015.

**.....Respondents**

40. The Union of India, represented by the  
Secretary to Government of India, Ministry of  
Human Resource, Shastri Bhawan, C-Wing, Dr.  
Rajendra Prasad Road, New Delhi, PIN –  
110001.

41. The Indian Institute of Information  
Technology, Guwahati represented by its

Director, having its Temporary Institute Campus, at G.N.B. Road, Ambari, Guwahati - 781001.

42. M/s TATA Consultancy Services Limited, represented by its Managing Director, having its Registered Office at Nirmal Building, 9<sup>th</sup> Floor, Nariman Point, Mumbai, PIN – 400021.

43. M/s Oil India Limited, represented by its Managing Director, having its Corporate Office at Plot No.19, Sector-16A, Film City, Noida, Uttar Pradesh, PIN – 201301.

*[The name of the respondent No.44, i.e. M/s Novatium Solutions (P) Limited, has been struck off as per order dated 04.04.2018 passed in I.A. (Civil) No.770/2018.].*

45. M/s Medhassu e-Solutions (P) Limited, represented by its Managing Director, having its Registered Office at House No.G-4, 2-2-647/125A, Sagarika Apartments, Central Excise Colony, Bagh, Amberpet, Hyderabad, Andhra Pradesh, PIN – 500013.

46. M/s Srei Infrastructure Finance Limited, represented by its Managing Director, having its Registered Office at Vishwakarma 86C, Topsia Road (South), Kolkata – 700046, West Bengal.

47. M/s Assam Electronics Development Corporation Limited (AMTRON), represented by its Managing Director, having its Office at Industrial Estate, Bamunimaidum, Guwahati – 781021.

**.....Prorofma Respondents**

**– BEFORE –**

**HON'BLE THE CHIEF JUSTICE MR. VIJAY BISHNOI  
HON'BLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

For the Appellant(s) : Mr. D. Mozumdar, Additional Advocate General, Assam, assisted by Ms. D. Devi, Advocate.



For the Respondent(s) : Mr. P.K. Bhuyan, Advocate.  
: Mr. R. Bhuyan, Advocate.

Date of Hearing : 20.03.2025.

Date of judgment : **24.03.2025.**

## **JUDGMENT & ORDER (CAV)**

**(Vijay Bishnoi, CJ)**

These writ appeals are preferred by the State being aggrieved with the judgment & order dated 15.03.2017 passed by the learned Single Judge in WP(C) No.5730/2014 and WP(C) No.6397/2014. The learned Single Judge, vide the impugned judgment, has allowed the writ petitions filed by the writ petitioners with a direction to the State respondents (appellants herein) to determine the compensation payable to the private respondents/writ petitioners on the basis of the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter to be referred as the "Act of 2013") and to pay such compensation expeditiously by adjusting the amount already paid to the writ petitioners.

**2.** The brief facts necessary for adjudication of the writ appeals are that the Government of India and the Government of Assam, in collaboration with 6(six) private/ public companies, had decided to establish Indian Institute of Information Technology at Guwahati (hereinafter to be referred as "IIIT, Guwahati"). For the purpose of establishment of IIIT, Guwahati, proceedings for acquisition of land were initiated under the provisions of the Land Acquisition Act, 1894 (hereinafter to be referred as the "Act of 1894") for acquiring 296 Bighas and 1 Katha of land situated in

Sonatala, Bongora and Maliata Villages under Chayani Mouza in Kamrup District. In relation to the said proceedings, 4(four) land acquisition cases, namely, L.A. Case No.2/2012; L.A. Case No.1/2012; L.A. Case No.11/2012 and L.A. Case No.12/2012 were instituted. However, later on, vide notification dated 25.05.2012, L.A. Case No.11/2012 and L.A. Case No.12/2012 were included for acquisition of land.

The writ petitioners of the 2(two) writ petitions, whose lands were acquired, prayed for the following reliefs:-

*“In the premises aforesaid, it is most respectfully prayed that Your Lordship may be pleased to admit this petition, call for the records, issue a Rule, calling upon the respondents to show cause as to why the relief/ reliefs as prayed for shall not be granted and upon hearing the parties be pleased to make the Rule absolute by granting to the Petitioner the following relief/reliefs:*

*I) To issue a writ in the nature of “Certiorari” quashing the Land Acquisition Case No.01/2012, 02/2012, 11/2012 and 12/2012; AND*

*II) To issue a writ in the nature of “Mandamus” directing the Respondent No.1 & 2 to initiate the entire Land Acquisition proceedings de-novo under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 to acquire all such lands for the establishment of the Institute namely Indian Institute of Information Technology, Guwahati at the revenue villages Sontola, Bangara, Maliata, Sathikarpa under Chayani mouza, Plashbari Revenue Circle in the district of Kamrup, Assam, AND*

*III) Directing the Respondent No.1 & 2 to pay the appropriate amount of compensation to the Petitioners under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the acquisition of their land; AND*

*IV) Directing the Respondent No.1 & 2 to fix a reasonable time limit to complete the Land Acquisition proceedings and to pay the compensation after taking appropriate hearing from the Petitioners under The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013;*

*AND*

*In the interim, until disposal of this case, the Respondent No.1 & 3 may kindly be directed not to take any coercive measures to take possession of their lands which are proposed to be acquisitioned for the establishment of the Institute namely Indian Institute of Information Technology, Guwahati at the revenue villages Sontola, Bangara, Maliata, Sathikarpa under Chayani mouza, Palashbari Revenue Circle in the district of Kamrup, Assam until further order.”*

**3.** The case of the private respondents/writ petitioners before the learned Single Judge was that the Act of 2013 came into force with effect from 27.09.2013 and, therefore, the notifications issued under Section 4 of the Act of 1894 in the month of December, 2013 are illegal and bad in law, because when the Act of 1894 got repealed with the enactment of the Act of 2013, no notification for land acquisition applying the provisions of the Act of 1894 can be issued. The learned Single Judge, vide the impugned judgment, has rejected the said contention while observing that the foundation of both the writ petitions was based on erroneous premise that the Act of 2013 came into effect from 27.09.2013, whereas the fact remains that the Act of 2013 came into effect from 01.01.2014.

The private respondents/writ petitioners also claimed that they are entitled to get the compensation under the provisions of the Act of 2013 instead of the provisions of the Act of 1894. The private respondents/ writ petitioners claimed that the final award in L.A. Case Nos.2/2012; L.A. Case No.1/2012 and L.A. Case No.11/2012 was approved on 09.01.2014 and, therefore, as per Section 24(1)(a) of the Act of 2013, the private respondents/writ petitioners are entitled to get the compensation as per the provisions of the Act of 2013.

**4.** The learned counsel appearing for the appellants, who were the respondents before the Writ Court, has opposed the said

contention while contending that the award in the above-referred L.A. Cases was approved on 31.12.2013 and, therefore, the private respondents/writ petitioners are entitled for the compensation in lieu of the acquisition of their land as per the provisions of the Act of 1894 only.

5. The learned Single Judge, after taking note of the note-sheets as well as the provisions of the Act of 2013, has concluded that since the award passed by the District Collector was approved only on 09.01.2014, the private respondents/writ petitioners are entitled to get the compensation as per the provisions of the Act of 2013, as per the mandate of Section 24(1)(a) of the Act of 2013. Operative portion of the impugned judgment & order passed by the learned Single Judge is reproduced hereunder:-

*“28. The aforesaid three letters were issued based on the approval granted by the Additional Chief Secretary, Revenue and DM Department, on 09.01.2014.*

*29. The extracts of the note-sheets go to show that the estimates submitted in connection with the three LA Cases were approved by the Minister concerned 31 .12.2013. What was approved on 31.12.2013 was the estimate. It is also evident t hat awards in the three land acquisition cases in Form-15 were submitted to the Government by the Collector on 31.12.2016. The approval of the estimate by the Government is not one and the same thing as the approval of the award passed by t he Collector.*

*30. In Rajiv Gupta (supra), the Supreme Court held that under first proviso to Section 11 of the LA Act, no award can be made by the Collector without the previous approval of the appropriate Government or of such officer as the appropriate Government may authorize in that behalf. Such approval is a condition precedent for passing of an award.*

*31. In Bailamma (Smt) (supra), the Supreme Court laid down that the Collector is required to send his award to the Government for approval. It is further observed that an award shall not be made by the Collector without the previous approval of the appropriate Government or of such officer as*

*the appropriate Government may authorize and, therefore, before an award can be said to have been made, it is mandatory that it must be approved by the Government or the officer authorized in this behalf. It was also held that the award which had already been signed by the Collector becomes an award as soon as it is approved by the Government without any alteration.*

32. *The note sheets demonstrate that the Deputy Secretary had put up notes on 09.01.2014 in all the three cases indicating that the awards had been submitted and the same may be approved. The Additional Chief Secretary, Revenue and DM (LR) Department approved the same on 09.01.2014 in all the three cases and, thereafter, letters dated 09.01.2014 had been issued forwarding approved copy of the awards in respect of the three LA Cases. Therefore, the only conclusion that can be reached is that the awards in question having been approved by the Government on 09.01.2014, the awards cannot be said to have been made on 31.12.2013. Thus, the awards were made after coming into force of the 2013 Act.*

33. *In view of the above determination, the State respondents are directed to determine compensation on the basis of the provisions of the 2013 Act and to pay such compensation expeditiously by adjusting the amounts already paid.”*

**6.** The learned counsel appearing for the appellant State has assailed the impugned judgment & order while arguing that the finding recorded by the learned Single Judge that the award was approved by the competent authority only on 09.01.2014 is erroneous because from the records it is clear that the award signed by the Collector was approved by the competent authority on 31.12.2013 and not on 09.01.2014. In support of his contention, the learned counsel has invited our attention towards various note-sheets annexed with WP(C) No.5730/2014 as Annexures: A-2-A; A3-A and A-4-A. The note-sheets pertain to approval of the estimate submitted in the aforementioned L.A. Cases as well as the approval granted by the competent authority of the State Government to the award signed by the District Collector.

The learned counsel for the State has placed reliance on the decision of the Hon'ble Supreme Court rendered in ***Bailamma (Smt.) Alias Doddabailamma (Dead) & Ors. -Vs- Poornaprajna House Building Cooperative Society & Ors.***, reported in ***(2006) 2 SCC 416*** and has submitted that the Hon'ble Supreme Court has categorically held that the award, which has already been signed by the Collector, becomes an award as soon as it is approved by the Government without any alteration. The learned counsel has, therefore, submitted that, in the present case, it is not in dispute that the award was signed by the District Collector on 31.12.2013 and the same was approved by the competent authority on the very same day and, in such circumstances, the private respondents/writ petitioners are only entitled to get the compensation as per the provisions of the Act of 1894 and not as per the provisions of the Act of 2013. The learned counsel has, therefore, submitted that the impugned judgment & order passed by the learned Single Judge may kindly be set aside and the writ petitions filed by the private respondents/writ petitioners may be dismissed.

7. Per contra, learned counsel appearing for the private respondents/writ petitioners has supported the impugned judgment passed by the learned Single Judge and has argued that, from the available records, it is clear that the award passed by the District Collector in L.A. Case No.2/2012; L.A. case No.1/2012 and L.A. Case No.11/2012 was approved only on 09.01.2014 and as such, the private respondents/writ petitioners are entitled to get the compensation in accordance with the provisions of the Act of 2013, by virtue of Section 24(1)(a) of the Act of 2013.

The learned counsel has further invited our attention towards the fact that, as a matter of fact, in compliance of the judgment & order passed by the learned Single Judge, the State of Assam has already determined the compensation required to be paid to the private respondents/writ petitioners as per the provisions of the Act of 2013 and payment of compensation to the private respondents/writ petitioners as per the provisions of the Act of 2013 is already in process.

**8.** However, it appears that though the State Government has decided to disburse compensation to the private respondents/writ petitioners after determining it as per the provisions of the Act of 2013 but, at the same time, has also decided to continue with the present writ appeals filed against the impugned judgment.

**9.** Be that as it may, the only question that arises for consideration before this Court is whether the award passed by the District Collector in L.A. Case No.2/2012; L.A. Case No.1/2012 and L.A. Case No.11/2012, in lieu of the acquisition of the lands, was finally approved by the competent authority on 31.12.2013 or on 09.01.2014?

**10.** The learned Single Judge, after taking note of the note-sheets, certified copies of which are produced along with the writ petitions, recorded a finding that the award passed by the District Collector was approved by the State Government/ competent authority only on 09.01.2014, i.e. after 31.12.2013. However, the State is claiming that the District Collector has signed the award on 31.12.2013 and the same was approved on the very same day by the State Government/competent authority.

**11.** Having carefully scrutinizing the material, particularly the certified copies of the note-sheets on which the learned Single Judge has placed reliance, we have no doubt in our mind that the finding recorded by the learned Single Judge to the effect that the award signed by the Collector in L.A. Case No.2/2012; L.A. Case No.1/2012 and L.A. Case No.11/2012 was approved only on 09.01.2014 is based on material available on record.

**12.** Apart from the above-referred note-sheets, it is more than clear from the other documents, annexed with the writ petitions as Annexure: 5-A and Annexure: 6A, that the signed award of the Collector was approved only in January, 2014 and not on 31.12.2013. It is to be noted that after passing of the award in the above-referred L.A. cases, the Secretary, Ministry of Human Resource Development, Department of Higher Education, Government of India has written a D.O. letter to the Chief Secretary to the Government of Assam, probably in the month of August, 2014, requesting to expedite the process of handing over of the land measuring about 106 Are at Village Bongora, Mouza Chayani in Kamrup District for setting up of IIIT, Guwahati to the Society of IIIT, Guwahati.

Taking note of the said letter, the Deputy Secretary to the Government of Assam has ordered to forward the copy of the D.O. letter sent by the Secretary, Ministry of Human Resource Development and Department of Higher Education to the Deputy Commissioner, Kamrup to expedite the handing over of the acquired land to IIIT, Guwahati and in the said note-sheet, it is clearly mentioned that the award has been approved in respect of the 3(three) L.A. cases, i.e. L.A. Case No.2/2012; L.A. Case No.1/2012 and L.A. Case No.11/2012, in January, 2014 only. The



said note-sheet, wherein the D.O. letters of the Secretary, Ministry of Human Resource Development and Department of Higher Education have been taken into consideration, is annexed along with WP(C) No.5730/2014 as Annexure: A-5-A, scanned copy of which is reproduced hereunder:-

- 21 -

- 141 -  
- 32 -  
ANNEXURE A5A

Deputy Secy (D.O.)  
Orders at p. 3 page.  
Accordingly, a draft is placed at  
Sl. 84 C f a.

H.M.  
28/5/14

27/5/14  
H.M.  
27/5/14

No R.L. 191/2012/84 dtd. 28/5/2014

D.O. No. 29-10/2013 TS.I dtd. 20/8-14 received from  
the Secretary, MHRD, Dept of Higher Edu, GoI

By Secy (D.O.)

Sl 85<sup>c</sup> may kindly be seen.

This is a copy of the D.O. letter of the  
Secretary, MHRD, GoI, Dept of Higher Edu addressed  
to the C.S., Anam requesting to expedite the  
process of handing over of the land measuring  
106 acre at village - Kongara, Haveri Taluqa in  
Karnav district identified for setting up of  
Indian Institute of Information Technology (IIIT)  
to the Society of IIIT, Guwahati.

In this connection it needs mention  
that land measuring 3130-1K-62L was been  
prepared for acquisition in village - Kongara, Malavalli  
& Sontola in Karnav district for setting up of  
IIIT, Guwahati. Award has been approved under the  
SLA cases for the required land in January, 2014.

We may perhaps forward a copy of  
(Contd. to p 22/N)

Verified/True Cop  
H  
advised

K.N.  
28/5/14  
Sl. 85C



compensation in lieu of acquisition of her land. It is prayed by her that the notice of land acquisition should be issued to her in her address only, with a further prayer not to make any payment of compensation to anybody else except her. The said letter was dealt with by the concerned authorities and the note-sheet prepared on the subject clearly reflects that the award in the above-referred 3(three) L.A. Cases was approved in January, 2014 only. The relevant note-sheets were annexed as Annexure: A-6-A in No.5730/2014, scanned copy of which is reproduced hereunder:-

- 144 -  
35 -  
ANNEXURE A

Copy (S.D.)  
Approval at pre-page.  
Accordingly, a draft is placed at  
Sl. 54<sup>c</sup> to f.a.  
nm  
9.1.2014  
09/1/14  
No. RLA. 192/2012/54 dtd. 9/1/2014

4.54

By Secy. P.D.  
21/1/14  
K.W.  
M/11/14  
Sl. 55-56

Reception dtd. 15-6-2016 received from Smti.  
Sudha Jain, Barbazar, Ghy.

55. Secy (S.D.)  
Sl. 55-56 may kindly be seen.  
This is a petition submitted by  
one Smti. Sudha Jain, W/o- Mahavir Prasad Jain  
Barbazar, Guwahati in connection with  
acquisition of land for IIT, Ghy in village - Sontok,  
Bongoma and Nalata under Chayari Mouza,  
in Kamrup district.  
The petitioner has stated that  
she is the bonafide purchaser of different  
plots of land (details at Sl. 56<sup>c</sup>) in respect of which  
acquisition proceeding is initiated in the above  
mentioned 3 villages.  
The petitioner has claimed that she  
is entitled to get LA compensation for the land  
and that notice of land acquisition should be  
issued to her in her address.

Verified True Copy  
[Signature]

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she has further requested to issue necessary instructions to concerned officials for not to make any payment of compensation to anybody else for the said acquisition and not to consider any application/prayer if filed by other persons claiming compensation.

It needs mention that we have already approved award in 3 LA cases (1/2012, 2/2012 & 11/2012) at the three villages, in January, 2014, as received from DC, Kaurup. We may perhaps forward the petition to DC, Kaurup for taking opinion in the matter.

Submitted for orders.

*[Signature]*  
20/7/16  
H.N.

JCS  
21.7.16

J. Sanyal (S.D.)  
Order above.  
Accordingly, a draft is placed at 457C f.f.a.

*[Signature]*  
25.7.16  
H.N.

H.N.  
25.7.16

No. RLA 192/2012/57 dtd. 25.7.2016

*[Signature]*  
25/7/16  
K.N.

*[Signature]*  
25/7/16  
K.N.

*[Signature]*  
25/7/16  
K.N.

15. In such circumstances, there is no manner of doubt in concluding that the final award in L.A. Case No.2/2012; L.A. Case No.1/2012 and L.A. Case No.11/2012 was approved by the State Government/competent authority only after 31.12.2013, precisely on 09.01.2014.

16. In view of the fact situation when the award signed by the District Collector was approved by the State/ competent



authority on 09.01.2014 then the same became an award only on 09.01.2014 as laid down by the Hon'ble Supreme Court in ***Bailamma (Smt.) Alias Doddabailamma*** (supra). Hence, we do not find any merit in these writ appeals, the same are, therefore, dismissed.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**