

GAHC040003812026

2026:GAU-AP:637



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/106/2026

Voterson Moyong and 5 Ors

Son of Shri Onik Moyong, resident of Village Mirku Dapi, PO and PS Pasighat, East Siang District, Arunachal Pradesh.

2: Kaling Mengu

Age:

Occupation :

Son of Shri Obi Mengu
resident of Village Rasam
PO and SP Pasighat
East Siang District
Arunachal Pradesh.

3: Miloko Ering

Age:

Occupation :

Son of Shri Talung Ering
resident of Mirbuk
PO and PS Pasighat
East Siang District
Arunachal Pradesh.

4: Okang Perme

Age:

Occupation :

Son of Late Alom Perme
resident of Village Tigra
PO and PS Pasighat
East Siang District
Arunachal Pradesh.

5: Obang Siram @ Tabang Siram

Age:

Occupation :

Son of Late Takut Siram
PO and PS Pasighat
East Siang District
Arunachal Pradesh.

6: John Siram
Age:
Occupation :
Son of Shri Takut Siram
resident of Village Mowb-II
Itanagar
PO and PS Itanagar
Papum Pare District
Arunachal Pradesh

VERSUS

The Union of India and 4 Ors
represented by the Secretary, Govt of India, Ministry of Railways, Raj Bhawan, Rafi
Marg, New Delhi 110001

2:The State of Arunachal Pradesh
Age: 0
Occupation :
represented by the Secretary (Land Management)
Govt of Arunachal Pradesh
Itanagar.

3:The Director
Age: 0
Occupation :
Land Management
Govt of Arunachal Pradesh
Itanagar.

4:The Deputy Commissioner
Age: 0
Occupation :
East Siang District
Arunachal Pradesh.

5:The District Land Revenue and Settlement Officer
Age: 0
Occupation :
East Siang District
Pasighat
Arunachal Pradesh

Advocate for the Petitioner : Kemo Lollen, Arun Yun,Geli Taye,Maryum Sora,D Ado

Advocate for the Respondent : Marto Kato, GA (AP),DSGI

:::BEFORE:::

HON'BLE MR. JUSTICE KARDAK ETE

Date on which judgment is reserved : N/A

Date of pronouncement of judgment : 26.06.2026

Whether the pronouncement is of
the operative of the judgment? : No

Whether the full judgment has been
pronounced? : Yes

JUDGMENT & ORDER (ORAL)

Heard Mr. Kemo Lollen, learned counsel for the petitioners. Also heard Mr. M. Kato, learned Deputy Solicitor General of India for respondent No. 1/Union of India, and Mr. N. Ratan, learned Additional Advocate General for State respondent Nos. 2 to 5.

2. Aggrieved by the second compensation assessment report prepared by the Deputy Commissioner, East Siang District, Pasighat, whereby the compensation assessed under the earlier assessment was reviewed and certain components were reduced, resulting in substantial variation in the compensation amount, the

petitioners have instituted the present writ petition. The petitioners have also put to challenge the notice dated 29.12.2025 issued by the Deputy Commissioner, East Siang District, Pasighat, directing them to submit the necessary documents for disbursement of compensation, as well as the reminder notice dated 26.02.2026 requiring submission of the deed of acceptance for compensation within 07 (seven) days. The petitioners have further prayed for issuance of a direction to the respondent authorities to undertake a fresh verification of the acquired land and reassess the compensation in their presence by affording them an opportunity of raising their claims and objections, and thereafter to pass a fresh compensation award in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, 'the RFCTLARR Act, 2013').

3. The case of the petitioners, in brief, is that they are the project-affected landowners whose lands have been acquired for construction of the Murkong-selek to Pasighat New Broad Gauge Railway Line Project from Leku River to 2-Mile, Pasighat (Phase-II) under Sille-Oyan Circle and Pasighat Circle in East Siang District, Arunachal Pradesh. The Secretary, Land Management, Government of Arunachal Pradesh, vide Addendum Notification dated 11.09.2024, directed the Deputy Commissioner, East Siang District, Pasighat, to take necessary steps for acquisition of the land required for the said project. Pursuant thereto, the Deputy Commissioner issued a public notice dated 08.10.2024 inviting claims and objections from the project-affected landowners. The petitioner contends that neither the measurement of their lands nor the assessment of the components standing thereon was carried out in their

presence or after giving them prior notice. The entire process of land measurement and assessment was allegedly undertaken behind their back and, thereafter, compensation statements in respect of the acquired lands were prepared and forwarded to the Government for approval.

4. The Director, Land Management, Government of Arunachal Pradesh, vide communication dated 14.10.2025, conveyed Government approval of the compensation award amounting to Rs. 9,86,92,104/- (Rupees nine crores eighty six lakh ninety two thousand one hundred four) only for acquisition of additional land required for the Railway Line and Railway Over Bridge (ROB) for the area of 22795.2 Sq. meters. However, noticing certain discrepancies relating to excess acquisition of land, variation in component rates and non-inclusion of names of certain landowners, the Deputy Commissioner was directed to review and re-verify the ground realities, by engaging an expert, before finalization of the award.

5. The petitioners contend that instead of undertaking such re-verification, the Deputy Commissioner mechanically reviewed the earlier compensation assessment and prepared a second compensation assessment by reducing the quantity of certain components, resulting in substantial reduction and variation in the compensation amount without affording any opportunity of submitting claims and objections to the petitioners. Such exercise was undertaken without conducting any fresh field verification and in violation of the principles of natural justice.

6. Thereafter, the Deputy Commissioner issued notice dated 29.12.2025,

under Section 7(2) of RFCTLARR Act, 2013, informing the petitioners that the award had been prepared and approved by the Government and directing them to appear before the authority with the requisite documents and deed of acceptance for disbursement of compensation. Since the petitioners were aggrieved by the manner in which the compensation had been assessed, they did not accept the compensation. Subsequently, reminder notices dated 26.02.2026 were issued directing the petitioners to submit the necessary documents within 07 (seven) days, failing which the compensation amount would be parked before the designated competent Court and the land required for the ROB would be handed over to the N.F. Railway. The petitioners thereafter submitted a joint representation dated 09.03.2026, before the Deputy Commissioner, East Siang District, Pasighat, seeking re-verification of the acquired land and reassessment of compensation in their presence. As the said representation did not evoke any response, the petitioners have approached this Court by filing the present writ petition.

7. Mr. Kemo Lollen, learned counsel for the petitioners, submits that the entire process of land acquisition insofar as the assessment of the acquired land and the components standing thereon is concerned has been undertaken in complete violation of the provisions of the RFCTLARR Act, 2013 as well as the principles of natural justice. He submits that neither the measurement of the acquired lands nor the assessment of the components was carried out in the presence of the petitioners and no opportunity of raising claims and objections was afforded to them at any stage of the proceedings. Although the Government, while according approval to the compensation proposal, noticed certain discrepancies and specifically directed the Deputy Commissioner to

review and re-verify the ground realities, if necessary by engaging an expert, before finalization of the award, no such exercise was undertaken. Instead, the Deputy Commissioner arbitrarily reviewed the earlier compensation assessment and prepared a second compensation assessment by reducing the quantity of various components, thereby substantially reducing the compensation amount without any fresh verification or notice to the petitioners.

8. Mr. Lollen, learned counsel, submits that the first compensation assessment had already been approved by the Government and therefore, the Deputy Commissioner could not have unilaterally reduced the compensation by preparing a second assessment without conducting a fresh verification and without granting an opportunity of hearing to the project-affected landowners. More so, the impugned notices dated 29.12.2025 and 26.02.2026 directing the petitioners to accept the compensation are consequential to the illegal compensation assessment and therefore, are also liable to be set aside. He submits that despite submission of a joint representation dated 09.03.2026 requesting the respondent authorities to undertake a fresh verification of the acquired lands and reassessment of compensation in the presence of the petitioners, no action has been taken thereon. He, therefore, submits that the respondent authorities may be directed to re-verify the acquired land and reassess the compensation after affording due opportunity to the petitioners and thereafter pass a fresh compensation award in accordance with the provisions of the LARR Act, 2013.

9. On the other hand, Mr. N. Ratan, learned Additional Advocate General for the State respondents, while referring to the affidavits-in-opposition filed on

behalf of State respondents, submits that the allegations made by the petitioners that the land measurement and assessment were carried out behind their back are wholly unfounded. He submits that prior intimation was duly given to all the affected landowners by issuing circular dated 19.07.2023 convening a meeting on 25.07.2023 in connection with acquisition of land for construction of the Road Over Bridge (ROB) under the N.F. Railway Phase-II Project. The said meeting was attended by the petitioners and other landowners, wherein it was decided to conduct the preliminary ground survey in their presence. Thereafter, another circular dated 28.08.2023 was issued informing the members of the Assessment Board as well as the concerned landowners that assessment of the acquired properties would be conducted on 30.08.2023. Therefore, the acquisition process, including land measurement and assessment, was undertaken after due notice and in the presence of the affected landowners.

10. Mr. Ratan, learned Additional Advocate General, submits that there is no concept of "1st compensation" and "2nd compensation" as sought to be projected by the petitioners. The compensation has been determined strictly in accordance with the provisions of the Manual for Land Acquisition in Arunachal Pradesh, 2022, which has superseded the earlier Government Notification dated 06.03.2017. He submits that pursuant to the communication dated 14.10.2025 issued by the Director, Land Management, Government of Arunachal Pradesh, a Board was constituted and a meeting was held on 23.12.2025, wherein after detailed deliberations with the concerned departments, rates in respect of those assets not covered under the Government Notification dated 06.09.2022 were finalized and forwarded to the Director, Land Management. Thereafter, vide

communication dated 25.12.2025, approval was accorded by the Government to proceed with disbursement of compensation in accordance with the provisions of the Manual, 2022. He further submits that fixation of such rates is an administrative exercise and the applicable procedure does not contemplate any public or stakeholder consultation.

11. Mr. Ratan, learned Additional Advocate General, submits that notices under Section 37(2) of the RFCTLARR Act, 2013 were issued to all the Project Affected Families informing them about the approved compensation and requiring them to submit their deeds of acceptance. A meeting was also convened on 05.02.2026 under the chairmanship of the Deputy Commissioner, East Siang District, Pasighat, wherein all the Project Affected Families were informed that only disbursement of compensation and handing over of the acquired land to the N.F. Railway remained to be completed. Since the petitioners failed to submit their deeds of acceptance, the reminder notices dated 26.02.2026 were served to them.

12. He submits that in compliance with the laid down rates and guidelines in the Manual for Land Acquisition in Arunachal Pradesh, 2022, the Government approved compensation amounting to Rs. 6,56,51,219 (Rupees six crores fifty six lakhs fifty one thousand two hundred nineteen) only for ROB and Rs. 1,05,33,073/- (Rupees one crore five lakhs thirty three thousand seventy three) only was conveyed to all the Project Affected Families under Section 37(2) vide dated 29.12.2025. Out of 26 (twenty-six) Project Affected Families, 18 (eighteen) have accepted the compensation and executed the deeds of acceptance without protest, whereas out of the remaining 08 (eight) Project

Affected Families, 07 (seven), including the petitioners, either refused to receive the notices or failed to submit their deeds of acceptance and one case involves a title dispute. Consequently, the matter was referred to the learned District & Sessions Judge, Pasighat, who has been designated as the Presiding Officer of the Land Acquisition, Rehabilitation and Resettlement Authority for East Siang District, and the compensation amount has already been deposited before the said Authority.

13. Mr. Ratan, learned Additional Advocate General, further submits that the grievance of the petitioners essentially relates to the adequacy of compensation and therefore, they have an efficacious statutory remedy before the Land Acquisition, Rehabilitation and Resettlement Authority constituted under the RFCTLARR Act, 2013. He submits that the railway project is a project of national importance and public purpose and any interference with the acquisition proceedings or execution of the project at this stage would seriously hamper its timely completion. Therefore, prays for dismissal of the writ petition.

14. Mr. K. Lollen, learned counsel for the petitioners, while rejoining his submissions, submits that although the respondent authorities have contended that the assessment of the acquired lands was carried out in the presence of the petitioners, in fact no assessment of the lands or the components standing thereon was undertaken in their presence on the scheduled dates. He submits that despite repeated requests made by the petitioners for re-verification of the acquired lands and assessment of the components in the presence of the respective landowners, the respondent authorities failed to undertake such exercise, thereby violating the principles of natural justice. He reiterates that the

communication dated 14.10.2025 issued by the Director, Land Management, Government of Arunachal Pradesh, specifically required the Deputy Commissioner to review and re-verify the ground realities, if necessary by engaging an expert, before finalization of the award. However, instead of undertaking such re-verification, the Deputy Commissioner mechanically reviewed the earlier compensation assessment and prepared a fresh assessment by substantially reducing the compensation amount without affording any opportunity of submitting claims and objections to the petitioners.

15. He submits that once the compensation amount was revised and reduced, the respondent authorities were under an obligation to afford the petitioners an opportunity of hearing before finalization of the revised assessment. The representation dated 09.03.2026 submitted by the petitioners merely sought re-verification of the acquired lands and reassessment of the compensation in their presence and, therefore, the reference made by the Deputy Commissioner to the Land Acquisition, Rehabilitation and Resettlement Authority is wholly misconceived. He further submits that the assertion made by the respondent authorities that the compensation amount has already been deposited before the designated Court is factually incorrect. Referring to the communication dated 02.06.2026, issued by the Court of the learned District & Sessions Judge, Pasighat, Mr. Lollen, learned counsel, submits that the compensation amount has not yet been deposited before the designated Court and therefore, the stand taken by the respondent authorities is factually incorrect.

16. Due consideration has been extended to the submissions advanced by the learned counsel for the parties and also perused the materials available on

record.

17. The principal issue which arises for consideration in the present writ petition is whether the respondent authorities were justified in preparing the revised compensation assessment by reducing certain components of the earlier assessment without undertaking proper re-verification of the acquired land and the assets standing thereon and without affording an opportunity of claim and objection to the project affected landowners.

18. From the materials placed on record, it appears that while conveying Government approval vide communication dated 14.10.2025, the Director, Land Management, Government of Arunachal Pradesh noticed certain discrepancies in the earlier assessment, such as excess acquisition of land, variation in the rates of components and omission of names of certain landowners. Accordingly, the Deputy Commissioner, East Siang District, Pasighat, was directed to review and re-verify the ground realities, if necessary by engaging an expert, before finalization of the award.

19. The stand of the respondent authorities is that pursuant to the aforesaid communication, a Board was constituted and after due deliberations, the revised compensation was finalized in accordance with the provisions of the Manual for Land Acquisition in Arunachal Pradesh, 2022. However, from the materials available on record, this Court does not find any material to indicate that after issuance of the aforesaid communication dated 14.10.2025, any exercise of re-verification of the acquired land and the components standing thereon was undertaken in the presence of all the stakeholders, particularly the project

affected landowners, or that they were afforded any opportunity of raising their claims and objections before the revised compensation assessment was finalized.

20. It is well settled that where an administrative decision has civil consequences affecting the rights of citizens, the principles of natural justice are required to be observed unless expressly excluded by statute. In the present case, the revised compensation assessment admittedly resulted in reduction and variation of the compensation payable to the petitioners. Once the earlier assessment was reviewed pursuant to the Government communication dated 14.10.2025, the respondent authorities were required to undertake the exercise of re-verification in a transparent manner and afford an opportunity to the affected landowners before finalizing the revised assessment.

21. The contention advanced on behalf of the respondent authorities that the petitioners have an alternative remedy under the RFCTLARR Act, 2013 also does not impress this Court. The grievance projected in the present writ petition is not confined to the quantum of compensation alone. Rather, the challenge is directed against the procedure adopted by the respondent authorities in preparing the revised compensation assessment allegedly without complying with the direction contained in the Government communication dated 14.10.2025 and without adhering to the principles of natural justice. Such challenge goes to the decision making process itself and therefore, this Court is of the considered view that the writ petition is maintainable.

22. In view of the aforesaid discussion, this Court is of the considered opinion

that the revised compensation assessment cannot be sustained in law. Accordingly, the revised compensation assessment, insofar as it relate the petitioners, is hereby set aside. Consequently, the notice dated 29.12.2025 issued by the Deputy Commissioner, East Siang District, Pasighat, directing the petitioners to submit the necessary documents for disbursement of compensation and the reminder notice dated 26.02.2026 issued pursuant thereto are also set aside.

23. In the result, the respondent authorities are directed to undertake a fresh re-verification of the acquired land as well as the components standing thereon, in respect of the petitioners, in the presence of all the stakeholders, including the petitioners, and thereafter assess the compensation strictly in accordance with the provisions of the RFCTLARR Act, 2013 and the Manual for Land Acquisition in Arunachal Pradesh, 2022. While undertaking such exercise, the respondent authorities shall afford due opportunity to the petitioners to raise their respective claims and objections before finalizing the compensation assessment. The exercise so directed herein above shall be completed within a period of 14 (fourteen) days from the date of receipt of a certified copy of this judgment and order.

24. Accordingly, the writ petition stands allowed and disposed of in terms above. No order as to cost(s).

JUDGE

Comparing Assistant