



Serial No. 10
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No.563 of 2019

Date of Order: 21.09.2026

Smti. Gangget R. Sangma wife of (L) Ringgan Marak,
Resident of Torangpara, P.O. Kawahagra,
P.S. Mahindraganj, District South West Garo Hills,
Meghalaya, represented by its duly appointed attorney
Namely Smti. Marchida R. Marak, daughter of
Shri. Azranath M. Momin, resident of Daldagre,
P.O- Araimile, P.S. Tura,
District West Garo Hills, Meghalaya.

.....Petitioner

-VERSUS-

1. State of Meghalaya represented by the Chief Secretary to the Government of Meghalaya, Shillong.
2. Additional Chief Secretary, to the Government of Meghalaya Revenue & Disaster Management Department, Meghalaya, Shillong.
3. Joint Secretary to the Government of Meghalaya, Revenue & Disaster Management Department, Shillong, Meghalaya.
4. The Deputy Commissioner/District Collector South West Garo Hills District, Ampati, Meghalaya.
5. Union of India represented by Home Secretary, Ministry of Home Affairs, Government of India, New Delhi.
6. Joint Secretary, Border Management Department, Ministry of Home Affairs, Jaisingh Marg, NDCC Building New Delhi-110001.
7. Secretary General, Border Management Department, Ministry of Home Affairs, Government of India, New Delhi.



8. Chief General Manager, NBCC (India Limited) NBCC House, 6th Floor, West End Block, Housefed Complex, Dispur, Guwahati-781006.

9. The Deputy General Manager, NBCC, Upper Motinagar, Shillong, Meghalaya.

.....Respondents

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

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

For the Respondent(s) : Mr. N.D. Chullai, AAG with
Ms. Z.E. Nongkynrih, GA (R:1-4)
Ms. R. Fancon, Adv (R:5-7)
Mr. P.R. Paske, Adv (R:8-9)

ORDER(Oral)

Heard Mr. S.A. Sheikh, learned counsel appearing for the petitioner, Mr. N.D. Chullai, learned AAG along with Ms. Z.E. Nongkynrih, learned GA appearing for the State-respondent Nos.1 - 4, Ms. R. Fancon, learned counsel appearing for the respondent Nos. 5 – 7 and also Mr. P.R. Paske, learned counsel appearing for the respondent Nos.8 - 9.

By this writ petition, the petitioner has made a prayer for issuance of a direction to the respondent authorities to pay suitable compensation on account of acquisition of her land for construction of Indo-Bangladesh Border Fencing. Pursuant to the proposal made by the Government of India for acquisition of land for the purpose of construction of the Indo-Bangladesh Border Fencing, certain plots of land situated in South West Garo Hills were acquired by drawing up land acquisition proceedings in the year 2017 and 2018 under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act,



2013. After completion of all the necessary formalities provided by law, the draft award was prepared by the Collector and approved by the Joint Secretary to the Government of Meghalaya, Revenue & Disaster Management Department. The case of the petitioner is that despite preparation of the draft award, the respondent authorities have not released the compensation amount to the genuine land owner till date even after lapse of long period of time.

It is asserted in the writ petition that despite the land was acquired long time back, no compensation was paid to the affected land owner in utter defiance of the enacted provision of law. It is also submitted that despite there being several representations on the part of the petitioner, the respondent authorities remained unmoved which compelled the petitioner to approach the Court.

There is no dispute between the parties that certain plots of land as mentioned in the writ petition were acquired for the purpose of construction of Indo-Bangladesh Border Fencing by drawing up proceedings under the relevant provisions of law. However, from the submission made on behalf of the Union of India and the State-respondents, it appears that the payment of compensation to the affected land owner could not be processed due to certain confusion and request of clarification with regard to the final draft award. The said respondents have also placed on record copies of certain communications between the officials of the State and the Union to project existence of certain confusion with regard to the amount shown in the draft award.

From the record, it appears that the draft award for the acquired portions of land was prepared on 04.09.2018 but, despite that, till date the affected land owner has not been paid any compensation. The order sheets of the present case reveal that several orders were passed on the basis of the submission made by the parties to facilitate smooth progress



in the initiation of process of payment of compensation to the land owner. However, despite passing several orders, it appears that the matter is delayed on the pretext of one or the other and no concrete step has been taken either by the respondent/Union of India or by the State-respondents.

The reason cited by the State and the Union does not absolve them of the responsibility of paying the land compensation in time. When the Government takes possession of the land but sits on the compensation for years without a valid legal reason, it projects an abuse of power by the authorities. In the above situation, more particularly in view of the fact that the draft award was prepared in the year 2018 and the writ petition is pending before this Court from the year 2019, it is deemed appropriate to issue a direction to the concerned respondent authorities to settle the prevailing confusion between the Union and the State with regard to the draft award without any further delay and take proper steps to disburse the amount of compensation to the affected land owner within a period of 3 (three) months from the date of this order.

With the above, this writ petition stands disposed of.

Judge

Meghalaya
21.09.2026
"Shrity,PS"