



Serial No. 09
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

WP(C) No.27 of 2019

Date of Order: 21.09.2026

1. Shri. Rajison R. Marak
S/o (L) Amal Singh Sangma
R/o. Baksapara, P.O & P.S Mahindraganj,
South West Garo Hills District Meghalaya.
2. Shri. Jogeshwar Koch (Nokma)
R/o Kalaigaon South West Garo Hills District,
Ampati South West Garo Hills, District, Ampati.
3. Shri. Indubhuson Sangma
R/o Boldamgre,
South West Garo Hills District Meghalaya.
4. Shri. Rubison Areng,
R/o Gujangpara,
South West Garo Hills District Meghalaya.
5. Shri. Namrang Sangma,
R/o Bakdagre,
South West Garo Hills District Meghalaya.
6. Shri. Nonjing Areng,
R/o Jengringpara
South West Garo Hills District Meghalaya.

.....Petitioners

-VERSUS-

1. State of Meghalaya represented by Chief
Secretary, Meghalaya, Shillong.
2. Additional Chief Secretary I/C Revenue
& Disaster Management Department,
Government of Meghalaya, Shillong.



3. Joint Secretary to the Government of Meghalaya, Revenue and Disaster Management, Shillong.

4. The Collector / Deputy Commissioner (Revenue), South Garo Hills 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. Director (BM.III) Ministry of New Home Affairs, Jaisingh Marg New Delhi-110001.

8. Secretary General, Border Management Department, Ministry of (home) Affairs, Government of India, New Delhi.

9. Chief General Manager (Engg) National Border Construction Company (India) Limited (NBCC), SPG-Ner, NBCC House, Floor West and Block, House Complex, Dispur, Guwahati-701000, Assam.

10.General Manager, National Border Construction Company (NBCC), Hawakhana, Tura west Garo Hills District, Meghalaya.

11.Project Executive (Civil) National Border Construction Company, (NBCC) House, Floor West and Block, House Complex, Dispur, Guwahati-701000, Assam.

12.Project Manager (C) National Border Construction Company (NBCC), Hawakhana, Tura, West Garo Hills District, Meghalaya.

13.Deputy General Manager (P) NBCC (India) Limited IBB Fencing Works House No. LKTO02 Lumkut Lawjynriew, Nongthymmai, Shillong, Meghalaya.



14.Director General of Border Security
Force (BSF), New Delhi.

15.Inspector General of Border Security Force (BSF),
Mawpat, Shillong, Meghalaya.

.....Respondents.

Coram:

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner/Appellant(s)	: Mr. P.T. Sangma, Adv with Ms. G. Ch. Marak, Adv
For the Respondent(s)	: Mr. N.D. Chullai, AAG with Ms. Z.E. Nongkynrih, GA (R:1-4) Mr. P.R. Paske, Adv (R:9-13) Ms. R. Fancon, Adv (R:5-8 & 14-15)

ORDER(Oral)

Heard Mr. P.T. Sangma, learned counsel appearing for the petitioners, 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. 5,6,7,8,14 and 15 and also Mr. P.R. Paske, learned counsel appearing for the respondent Nos.8 and 9.

By this writ petition, the petitioners have made a prayer for issuance of a direction to the respondent authorities to pay suitable compensation on account of acquisition of their 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 awards were prepared by the Collector and approved by the Joint Secretary to the Government of Meghalaya, Revenue & Disaster Management Department. The case of the petitioners is that despite preparation of the draft awards, the respondent authorities have not released the compensation amount to the genuine land owners 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 owners in utter defiance of the enacted provision of law. It is also submitted that despite there being several representations on the part of the petitioners, the respondent authorities remained unmoved which compelled the petitioners 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 owners could not be processed due to certain confusion and request of clarification with regard to the final draft awards. 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 awards.

From the record, it appears that the draft awards for the acquired portions of land were prepared on 04.09.2018 and 09.10.2018 but, despite that, till date the affected land owners have 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 owners. 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 awards were 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 awards without any further delay and take proper steps to disburse the amount of compensation to the affected land owners 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"

