

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

ITANAGAR BENCH

WP(C) No. 253 (AP) 2018

SMTI TUK YANIA,
w/o. Sri Tuk Tada,
Village – Tajgi, P.O. - Ziro,
District – Lower Subansiri, Arunachal Pradesh.

- Papum Pare,
Arunachal Pradesh.

..... *Petitioners.*

– VERSUS –

1. State of Arunachal Pradesh,
Represented by the Chief Secretary,
Government of Arunachal Pradesh, Itanagar.
2. The Secretary,
Department of Land Management,
Government of Arunachal Pradesh, Itanagar.
3. The Deputy Commissioner,
Lower Subansiri District, Ziro.
4. The Chief Engineer (Highway),
Western Zone, PWD,
Itanagar, Government of Arunachal Pradesh.
5. The Union of India,
Represented by the Secretary,
Ministry of Road Transport and Highway,
Government of India,
Transport Bhawan, No.2, Parliament Street,
New Delhi – 110 001.

..... *Respondents.*

Advocates for the Petitioner : Mr. S. Koyang,
Mr. D. Chada,
Mr. M. Laling,
Mr. H. Tubin, Advocates.

Advocates for the Respondents : Mr. K. Ete,
Senior Addl. Advocate General,
Arunachal Pradesh,
Ms. T. Wangmo, Govt. Advocate,
Arunachal Pradesh,
For Respondents Nos. 1 to 3.
Mr. R. Saikia, Standing Counsel,
Highways, Govt. of Arunachal Pradesh.
For Respondent No. 5
Mr. M Kato, CGC
For Respondent No. 5

::: BEFORE :::
HON'BLE MR. JUSTICE MANASH RANJAN PATHAK

Date of hearing and Order : 06-06-2018

JUDGMENT AND ORDER (Oral)

Heard Mr. S. Koyang, learned counsel appearing for the petitioner. Also heard Mr. K. Ete, learned Sr. Addl. Advocate General assisted by Ms. T. Wangmo, learned Junior Govt. Advocate for the State respondents No. 1, 2 & 3, Mr. R. Saikia, learned Standing Counsel for respondent No. 4, the Chief Engineer, (Highway) Western Zone, PWD, Itanagar, Arunachal Pradesh and Mr. M. Kato, learned CGC for the respondent No. 5, Ministry of Road and Highway.

2. The petitioner has filed this writ petition on 04.06.2018 praying for a direction to the respondents herein to pay her solatium @ of 100% on the compensation amount of Rs. 2,48,400/- that was paid to her for acquiring her land at Tajgi Village along Ziro- Daporijo.

3. Brief facts of the case is that the Government Arunachal Pradesh through its Secretary in the Land Management Department vide Notification No. LM-14/2014 dated 17.02.2014 issued on 07.03.2014, acquired land under Clause 10 of *'the Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947'* for

"construction and widening of existing road to 2(two) Lane National Highway Standard along with improvement and re-alignment from Potin to Godak" (part of Trans Arunachal Highway) in Arunachal Pradesh Packages of Road and Highways on National Highway-229 falling under jurisdiction of Deputy Commissioner, Lower Subansiri District, Ziro measuring an area of 20mtr - 60mtr wide starting from Potin village at point 0.00 Km to 157.70 Km towards Godak on the existing road of Border Road Organization from Potin-Old Ziro to Bopi (Godak) in Lower Subansiri District that is bounded in the North by New Yazali/Migolara/Peil/Joram/Phu Joram/Sibe/Pattaguda/ Repari/Bus Camp/ Dukum/Kicho and in the East by Potin/ Poosa / NeepcoComplex / NewPitapoo /Belo/Peni / Yazali/ Tago/Yachuli/Hapoli/ Nencheliya/ Old Ziro/ Lempia/Pine Groove/Techar/Tipnis/Tajgi/Pamluk/Yatak Sektap /Boasimia / Tamen/Surya/Nima/Raga Kemliko/Kiham Godak.

4. The State Government in the Land Management Department by the said Notification dated 17.02.2014 issued on 07.03.2014 informed the Deputy Commissioner of Lower Subansiri District, Ziro about its contents and requested him to immediately notify the substance of the said notification along with its translated version in the local dialect at convenient places in the locality well within the time fixed for the objections for the public action, wherein it was also observed that the administrative and other expenses shall be within the time fixed for the objections and that the administrative and other expenses will be borne by the requiring department.

5. Mr. S. Koyang, learned counsel has submitted that Writ Petitions being WP(C)254(AP)2018, WP(C)255(AP)2018, WP(C)256(AP)2018, WP(C)257(AP)2018, WP(C)258(AP)2018, WP(C)259(AP)2018, WP(C)260(AP)2018, WP(C)261(AP)2018, WP(C)262(AP)2018, WP(C)267(AP)2018, WP(C)268(AP)2018, WP(C)269(AP)2018, WP(C)270(AP)2018, WP(C)271(AP)2018, WP(C)272(AP)2018 and WP(C)273(AP)2018 listed today are similar, having same cause of action, where land of the petitioners of those writ petitions have also been acquired by the same Notification No. LM-14/ 2014 dated 17.02.2014 issued on 07.03.2014, of the Land Management Department of the State acquiring the land under Clause 10 of *the Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947* for "construction and widening of existing road to 2(two) Lane National Highway Standard along

with improvement and re-alignment from Potin to Godak" (part of Trans Arunachal Highway) in Arunachal Pradesh Packges of Road and Highways on National Highway-229 falling under jurisdiction of Deputy Commissioner, Lower Subansiri District, Ziro and included in the same Schedule of land mentioned in the said Notification dated 17.02.2014 issued on 07.03.2014 and only the compensation amount are differrent which have been paid to them by the District Commissioner-cum-District Land Revenue Officer, Lower Subansiri District, Ziro, Arunachal Pradesh, the respondent No. 3 during the period from 14.10.2017 to 04.12.2017 and that in those writ petitions also the prayer of the petitioners are same as that of this petition, i.e. for payment of solatium @ 100% on the compensation amount.

6. In the present case, the petitioner on 20.10.2017 received two checks, one amounting to Rs. 1,95,900/- (Rupees One Lakh Ninety Five Thousand Nine Hundred only) and the other amounting to Rs. 52,500/- (Rupees Fifty Two Thousand Five Hundred only) total amounting to Rs. 2,48,400/- (Rupees Two Lakhs Forty Eight Thousand Four Hundred only) as compensation for acquisition of her land and properties that was taken over in terms of said notification dated 17.02.2014 issued on 07.03.2014.

7. It is placed by the petitioner that the Chief Engineer (Highway) Western Zone, Public Works Department, Itanagar, Arunachal Pradesh by his letter under No. CEAP(HW)/WZ/W-9/PP/2015-16 dated 22.04.2015 submitted the Compensation Estimate for Land Acquisition of Lower Subansiri Sector with regard to said 157.270 Kms to the Chief Engineer (NER), Transport Bhawan, Ministry of Road Transport and Highways for an amount of Rs. 436,16,69,600/- only for acquisition of land involved in the said notification dated 17.02.2014 as per the estimate assessed by the Land Acquisition Officer of Lower Subansiri District that includes Land Value of Rs. 432,38,11,421/- with 30% Solatium on the said land value amounting to Rs. 2,83,93,657/-, Establishment Charges @ of 8% on land value amounting to Rs. 75,71,642/- and 2% Contingency on the said land value amounting to Rs. 18,92,910/- and the Ministry of Road Transport and Highways by its letter No. NH-12012/30/2014/Ar.Pkg/SARDP-NE dated 18.05.2017 informed the Commissioner & Special Secretary, Public Works Department, Itanagar, Arunachal

Pradesh that the Ministry concerned, after modification have given its administrative approval and technical & financial sanction for an amount of Rs, 18,000 Lakh towards Compensation estimate for acquisition of said land as per the Notification dated 17.02.2014 issued on 07.03.2014.

8. The petitioner also submitted that though she has been paid the aforesaid amount of Rs. 2,48,400/- as acquisition compensation for acquiring her land for the said purpose but she is entitled to the 100% Solatium as provided under the provisions of "the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013" (LARR Act 2013 in short). In this regard the petitioner has submitted that in a similar case, where land at Ziro-I Circle at Khaw area in Hong village of Lower Subansiri District measuring an area of 5,400 Square Meters was taken over under Clause 10 of the said Jhum Land Regulation Act, 1947 for the purpose of construction of 33/11KV Sub-Station under comprehensive Scheme for strengthening T&D System in Arunachal Pradesh where an abstract was prepared by the Deputy Commissioner, Lower Subansiri District, Ziro on 18.07.2017 towards the compensation estimate for acquisition of said land of 5,400 Sq.mtrs. wherein solatium @ 100% on the land value and value of assets attached over the land was included under Section 30 of said LARR Act 2013 towards adequate Compensation, whereas with regard to payment of adequate compensation to her for acquiring the said land of the petitioner as aforesaid, she has been left out from the benefit of such Solatium @ 100% on the land value as provided in said LARR Act, 2013.

9. The petitioner has also placed the Notification dated 28.09.2012 of the State Government in the Land Management Department before the Court where the respondents in the State Government decided to add 30% Lump sum solatium on land value with 12% interest on such land value for such land of the Sate that are acquired for Defence, Paramilitary Forces, Power Projects, Trans-Highway, Railway, Public Sector Units and various organizations of the Central/ State Government etc. which was again modified later vide Notification dated 28.01.2016 issued in supersession of the aforesaid Notification dated 28.09.2012 wherein it is included that for all kinds of Land Acquisition process by the District Land Settlement Authority in assessing land compensation, land value as per

existing market value needs to be assessed and along with asset values standing on the land acquired and any other provision of solatium, interest or factor mandatory on land value as per provision land acquisition proceeding under the said Act needs to be added. It is stated that for the same the petitioner has a rightful claim of solatium @ 100% on the land value on the amount of compensation of Rs. 2,48,400/- that was paid to her as acquisition compensation for acquiring her said land.

10. The petitioner also submitted that on 20.04.2018 her counsel has served a notice to the Deputy Commissioner, Lower Subansiri District, Ziro in that regard for payment of such solatium @ 100% on her said amount of compensation.

11. Mr. K. Ete, learned Sr. Addl. Advocate General for the State submitted that that the land of the petitioner has been acquired and taken over under the provisions of the Clause 10 of the Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947 and it provides for reasonable compensation, whereas the petitioner failed to place anything before the Court that the amount of acquisition compensation paid to her is not reasonable and as the petitioner measurably failed to establish her claim, the petition should be dismissed. It is also submitted by Mr. Ete that petitioner failed to show anything so as to establish that the amount of acquisition compensation paid to her for acquiring her said land in terms of said Notification dated 17.02.2014 issued on 07.03.2014 did not contain solatium on the land value of her land. Mr. Ete learned Sr. Addl. Advocate General further submitted that Clause 17 of the said 1947 Regulation provides for appeal and revision before the Governor of Arunachal Pradesh against such order passed by the subordinate authorities in the said Regulation, but the petitioner without preferring any appeal and without exhausting statutory remedy has filed this writ petition and for the same too this writ petition should be dismissed.

12. Mr. R. Saikia, learned standing counsel appearing for the respondent No. 4 (Highway) supporting the argument of the learned Sr. Addl. Advocate General submitted that the petitioner has not prayed for issuance of any writ which can be seen from the prayer made by her in the petition where she has only prayed for

an order directing the respondent authorities of the said writ petition to pay her solatium amount @ of 100% on the compensation amount.

13. Mr. Kato, learned CGC appearing on behalf of respondent No. 5 have submitted that the authorities in the Ministry of Road Transport and Highways, Government of India have already sanctioned the amount for acquisition of land involved in the case, as per which compensation has been paid and disbursed to those, including the petitioner, whose land have been acquired for the said purpose and the petitioner never objected with regard to it at any point of time.

14. The Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947, is a Statutory enactment under the provisions of Sub-Section 2 of Section 92 of the Government of India Act, 1935 that was adopted by the India (Provisional Constitution) Order of 1947. In the present case the land of the petitioner has been taken over under the provisions of Clause 10 of said Statutory Regulation 1947 that provides for '*acquisition for public purpose*' and it reads as follows: –

"The Government may acquire any Jhum land required for the public purpose. No formal acquisition proceedings shall be necessary but an opportunity shall be given to those having rights in the land to show cause against such acquisition and reasonable compensation shall be paid for all land required in this connection.

Land so acquired shall, if relinquished by the Government at any time, be returned to the village, community or individual from whom it was acquired on refund, if any, of such compensation to the Government as the latter may decide."

15. Clause 17 of the said 1947 Statutory Regulation provides for 'appeal and revision' and it reads as follows: –

"The [Administrative] may call for and examine the records of any proceedings or trial under the provisions of this Regulation and may set aside, modify or alter order or sentence passed by any subordinate authority."

16. Later the word 'administrator' in Clause 17 of said 1947 Regulation was substituted by the word 'Governor of the State'. It is seen from the notification dated 17.02.2014, issued on 07.03.2014, that the Deputy Commissioner, Lower Subansiri District, Ziro was directed to issue the substance of the notification for public action at convenient place in the locality along with its translated version in the local dialect immediately, by fixing the time limit for objection and specifying

that that the administrative and other expenses shall be determined within the time fixed for the objection where administration and other expenses shall be borne by the requiring department.

17. The petitioner in the writ petition neither stated nor submitted that she had filed objection with regard to acquisition of her land under Clause 10 of said 1947 Regulation after the Notification of acquisition of land for the said purpose was issued on 07.03.2014. It is also not the case of the petitioner that she filed an appeal or revision before the Governor of the State as provided under Clause 17 of said 1947 Statutory Regulation against such action of the respondents herein either with regard to the said Notification dated 17.02.2014 issued on 07.03.2014 or regarding acquisition of her land under the provision of Clause 10 of said 1947 Regulation and against such acquisition compensation paid to her being not reasonable.

18. The petitioner has also failed to place anything before the Court regarding her entitlement of any such solatium on the land value for the land acquired and on the values of the assets standing on the land acquired with the amount of compensation received by her on 20.10.2017, that was acquired under the provisions of Clause 10 said 1947 Regulation. For redressal of her grievances made in this petition, the petitioner has adequate, effective statutory remedy for her redressal of her such grievances if any, by filing appeal or revision before the Governor of the State as provided under Clause 17 of said 1947 Regulation, which she did not avail.

19. Though the petitioner has claimed that as per the said notification of the State Government in the Land Management Department the solatium is included in all kinds of land acquisition, processed by the District Land Settlement Authority in assessing land compensation in terms of the notification No. LM-134/2011 issued on 22.01.2016 but from the reading of the said notification (annexure III to the writ petition), it can be seen that the same has not been issued with regard acquisition of land under the provisions of said 1947 Regulation and further in the said notification itself the Land Management Department itself clarified that the other provisions of solatium, interest or factor mandatory on land value to be

added with the value of land and assets standing on the land to be acquired as per provisions of land acquisition proceeding under the said Act, which means that as provided by the Act under which land is acquired.

20. Though the petitioner has placed an abstract regarding the assessment of compensation prepared by the Deputy Commissioner, Lower Subansiri District with regard assessment of compensation for acquisition of 5,400 Sq mtrs of land for construction of 33/11KV Sub-Station under Comprehensive Scheme for strengthening of T&D system in Arunachal Pradesh at Khaw area of Hong Village in Ziro-I Circle of Lower Subansiri District (Annexures IX and X to the writ petition) but the notification dated 11.03.2016 regarding acquisition of said land itself reflects that the same is under Clause 10 of Balipara/Tirap/Sadiya Frontier Tract Jhum Land Regulation, 1947 read with provision of Section 26 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013, where as in the notification dated 17.02.2014 issued on 07.03.2014, the concerned notification on the basis of which the land of the petitioner was acquired in the case, was solely under the provisions of Clause 10 of Balipara/Tirap/ Sadiya Frontier Tract Jhum Land Regulation, 1947, where the provisions of LARR Act, 2013 was not included. Moreover, the petitioner has also failed to place anything before this Court with regard to the said abstract dated 18.07.2017 of the Deputy Commissioner, Lower Subansiri District, Ziro for consideration of solatium @ of 100% land value plus value of assets attached to land under Section 30 of the said 2013 Act with regard to the land taken over for construction of 33/11 KV Sub-Station noted above have been approved by the Government of Arunachal Pradesh or not. The petitioner has also failed to place that the notification dated 17.02.2014 issued on 07.03.2014, issued under the provisions of Clause 10 of said 1947 Regulation was challenged or preferred appeal or revision against same as provided by said 1947 Regulation or 1947 and also silent about preferring any appeal or revision as provided under 1947 Regulation with regard to the assessment of compensation for acquisition of land involved in the case, whereas she has received the compensation amount without any protest.

21. Mr. Koyang, learned counsel for the petitioner in support of his argument has placed the judgment of the Hon'ble Supreme Court in the Case of *P.C. Goswami Vs. Collector of Darrang*, reported in *AIR (1982) SC 1214* to show that the claimants/land owner whose land was taken over under the provisions of the Assam Land (Requisition and Acquisition) Act, 1948 has been provided with solatium as part of land acquisition compensation and therefore petitioner is also entitled to same. But from reading of the said judgment it can be seen as Section 4 (3) of said 1948 Assam Act itself provides that if a land is acquired under the said Act (1948 Act), the State Government shall be empowered to apply to such land any of the provisions of the Land Acquisition Act, 1894. The 1894 Act provides for solatium on land value as part of the land acquisition compensation but there is no such provision in the 1947 Regulation for assessing land acquisition compensation as per said 1894 Act, except for payment of reasonable compensation. With regard to the Land Acquisition Act of 1948, the petitioner has also relied on the judgment of the Constitution Bench of the Hon'ble Supreme Court in the Case of *Sunder Vs. Union of India* reported in *(2001) 7 SCC 211*, where the Hon'ble Apex Court have decided for granting of solatium on the value of the land acquired under the provisions of Land Acquisition Act 1894 as amended in 1984. But in the present case land of the petitioner has been acquired under Clause 10 of the 1947 Statutory Regulation, which does not provide for any solatium except for payment of reasonable compensation for acquisition of land.

22. On behalf of the petitioner Mr. Koyang has also relied the Judgment of the Hon'ble Supreme Court in the case of *H. V. Low and Company Private Limited Vs. State of West Bengal* reported in *(2016) 12 SCC 699*, but going through the said judgment, it is seen that *the Division Bench of Hon'ble Supreme Court referred the matter to the Hon'ble Chief Justice for constitution of an appropriate Bench for further hearing in the matter over the doubt of the judgment in the case of Chajju Ram case reported in (2003) 5 SSC 568* on the basis of which the appellants of the case claimed for solatium.

It is to be noted herein that said Chajju Ram's case relates to acquisition of land under Defence of India Act, 1971 where there is no provision for solatium on

land value, if land acquired under the said Act vis-a-vis Land Acquisition Act 1894 as amended in 1984, where there is provision for solatium on land value for acquisition compensation and the Constitution Bench consisting of Five Judge, in the said case, *Union of India Vs. Chajju Ram*, reported in (2003) 5 SCC 568 have held that – *"The said Act (Defence of India Act, 1971) is a self-contained code. It lays down the procedure as well as machinery for determining the amount of compensation. It is not in dispute that the provisions for payment of compensation under the Land Acquisition Act would not ipso facto apply to the acquisition made under the said Act. The provisions of the two Acts do not also provide for the same scheme for acquisition.*

Till such time, a larger Bench of the Hon'ble Supreme Court does not alter the findings of said Chajju Ram's case will remain a valid piece of law and therefore, the case of *H. V. Low and Company* (supra) placed on behalf of the petitioner is not applicable in the present case.

23. The Hon'ble Supreme Court in the case of *United Bank of India Vs. Satyawati Tondon and Ors.* reported in (2010) 8 SCC 110 may relate to recovery of public debt have held that-

"Unfortunately, the High Court overlooked the settled law that the High Court will ordinarily not entertain a petition under Article 226 of the Constitution if an effective remedy is available to the aggrieved person and that this rule applies with greater rigour in matters involving recovery of taxes, cess, fees, other types of public money and the dues of banks and other financial institutions. In our view, while dealing with the petitions involving challenge to the action taken for recovery of the public dues, etc. the High Court must keep in mind that the legislations enacted by Parliament and State Legislatures for recovery of such dues are a code unto themselves inasmuch as they not only contain comprehensive procedure for recovery of the dues but also envisage constitution of quasi-judicial bodies for redressal of the grievance of any aggrieved person. Therefore, in all such cases, the High Court must insist that before availing remedy under Article 226 of the Constitution, a person must exhaust the remedies available under the relevant statute.

While expressing the aforesaid view, we are conscious that the powers conferred upon the High Court under Article 226 of the Constitution to issue to any person or authority, including in appropriate cases, any Government, directions, orders or writs including the five prerogative writs for the enforcement of any of the rights conferred by Part III or for any other purpose are very wide and there is no express limitation on exercise of that

power but, at the same time, we cannot be oblivious of the rules of self-imposed restraint evolved by this Court, which every High Court is bound to keep in view while exercising power under Article 226 of the Constitution.”

24. The Hon'ble Supreme Court in the case of *Commissioner of Income Tax and Ors. Vs Chhabil Dass Agarwal*, reported in (2014) 1 SSC 603 have held that –

“While it can be said that this Court has recognised some exceptions to the rule of alternative remedy i.e. where the statutory authority has not acted in accordance with the provisions of the enactment in question, or in defiance of the fundamental principles of judicial procedure, or has resorted to invoke the provisions which are repealed, or when an order has been passed in total violation of the principles of natural justice, the proposition laid down in Thansingh Nathmal case, Titaghur Paper Mills case and other similar judgments that the High Court will not entertain a petition under Article 226 of the Constitution if an effective alternative remedy is available to the aggrieved person or the statute under which the action complained of has been taken itself contains a mechanism for redressal of grievance still holds the field. Therefore, when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation.”

25. In the case of *Union Bank of India Vs. Panchanan Subudhi*, reported in (2010) 15 SCC 552, a case where the Tribunal passed a decree in favour of the appellant for a sum of Rs 16,10,957 along with pendent lite and future interest @ 12% per annum from the date of the application, the respondent challenged the proceedings initiated under the Act in Writ Petition and the High Court stayed the proceeding subject to the respondent depositing a sum of Rs 10 lakhs, the Hon'ble Supreme Court have held that –

“In our view, the approach adopted by the High Court was clearly erroneous. When the respondent failed to abide by the terms of one-time settlement, there was no justification for the High Court to entertain the writ petition and that too by ignoring the fact that a statutory alternative remedy was available to the respondent under Section 17 of the Act.”

The Hon'ble Supreme Court allowed the said appeal setting aside the impugned order and the writ petition filed by the respondent before the High Court.

26. The Hon'ble Supreme Court in the case of *Kanaiyalal Lalchand Sachdev Vs. State of Maharashtra*, reported in (2011) 2 SCC 782, have held that –

"In our opinion, therefore, the High Court rightly dismissed the petition on the ground that an efficacious remedy was available to the appellants under Section 17 of the Act. It is well settled that ordinarily relief under Articles 226/227 of the Constitution of India is not available if an efficacious alternative remedy is available to any aggrieved person."

27. In a recent case the Hon'ble Supreme Court in *Authorised Officer, State Bank of Travancore and Another -Vs- Mathew K.C.*, reported in (2018) 3 SCC 85 have held that –

"The discretionary jurisdiction under Article 226 it is not absolute but has to be exercised judiciously in the given facts of the case and in accordance with law. The normal rule is that a writ petition under Article 226 of the constitution ought not to be entertained if alternate statutory remedies are available, except in cases falling within well defined exceptions."

28. The petitioner sought for following relieves in this writ petition –

- "(1) To pass an order directing the respondents authorities for payment of solatium amount to the petitioner at the rate of 100% of the compensation amount.
- (2) To pass order directing the respondents authorities for payment of interest on solatium amount to pass any order as Your Lordship deem fit and proper."

Though in the cause title the petition has stated that the said writ petition has been filed for enforcement of petitioner's fundamental rights guaranteed under Articles 14, 21 and 300A of the Constitution of India and other legal rights framed thereunder, but from the prayer made in the writ petition, as noted above, it is seen that the petitioner did not pray for any Writ under Article 226 of the Constitution of India.

29. The Balipara/Tirap/Sadiya Frontier Tract, Jhum Land Regulation, 1947 is a Statutory Regulation as observed above and said Statutory Regulation itself provides for 'appeal and revision'. The case in hand relates to the claim of the petitioner for payment of solatium @ of 100% on the land value towards compensation for acquisition of land involved in the case as provided in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013. Any acquisition compensation for land acquired under the provisions of Clause 10 of said 1947 statutory Regulation the same has to be paid from the public exchequer. As noted above the petitioner did not challenge the

acquisition Notification No. LM-14/ 2014 dated 17.02.2014 issued on 07.03.2014, by the Land Management Department of the state acquiring the land under Clause 10 of said 1947 Regulation nor preferred any appeal or revision under Clause 17 of said Regulation either against acquisition or against the acquisition compensation for the said land, inspite of having statutory remedies available to the petitioner under the said Regulation. It is also not the case petitioner that the present case falls under the specified exceptions as provide by the Hon'ble Supreme Court in the case of in the *Chhabil Dass Agarwal* (supra).

30. Since the said 1947 Regulation provides for adequate Statutory relief for appeal and revision before the Governor of the State as provided under clause 17 of the said 1947 Regulation considering the above and the law settled by the Hon'ble Supreme Court, this Court is of the view that this writ petition where the solatium @ of 100% on compensation paid to her for acquisition of land involved in the case has been sought for that was acquired under the provisions of Clause 10 of Balipara/Tirap/Sadiya Frontier Tract, Jhum Land Regulation Act, 1947 is not maintainable, as the petitioner has sufficient alternative remedy to approach the concerned authority for redressal of her grievance.

31. For the reasons above, this writ petition being not maintainable, stands dismissed.

JUDGE

Victoria/Jumbi