

GAHC010021272015



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

Case No. : WP(C)/5534/2015

TAPAN RAI MEDHI
S/O LT. GANESH CH. RAI MEDHI, R/O NORTH GUWAHATI, MAJGAON, P.S.
NORTH GUWAHATI, DIST- KAMRUP RURAL, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, LAND
REVENUE DEPTT., DISPUR, GHY-6

2:THE DY. COMMISSIONER
KAMRUP
AMINGAON

3:CIRCLE OFFICER
NORTH GUWAHATI REVENUE CIRCLE
NORTH GUWAHATI
ASSAM

4:SETTLEMENT OFFICER
KAMRUP RURAL
AMINGAON

5:JIKA ASSISTED GWSP
REP. BY PROJECT DIRECTOR
PROJECT IMPLEMENTATION UNIT JIKA ASSISTED WATER SUPPLY
PROJECT
SAIKIA COMMERCIAL COMPLEX
CHRISTIAN BASTI
G.S. ROAD
GHY. ASSA

For the Petitioner (s) : Ms. Bijaya Das, Advocate.

For the Respondent (s): Mr. N. Goswami, Advocate.

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER**

08.11.2023

The instant writ petition has been filed by the Petitioner seeking a direction upon the Respondent Nos. 2 and 3 not to dispossess the Petitioner from his land measuring 4 bighas 2 kathas 10 lechas covered by Lakheraj Patta No. 1 of Dag No. 220 of Village-North Guwahati under Mouza-Sila Sindurighopa in the District of Kamrup (Rural), Assam (for short 'the land in question') and in the alternative praying for compensation in the eventuality that the Petitioner is dispossessed from the land in question.

2. This Court vide an order dated 04.12.2015 issued notice and taking into account that the larger public interest was involved requiring urgent implementation of the water supply scheme, the status-quo order which was passed by this Court earlier on 18.09.2015 was vacated. This Court also observed in the order dated 04.12.2015 that the pendency of the case shall not be a bar for the said authority to decide on the compensation claimed by the affected Petitioner.

3. The matter thereupon was again taken up on various dates

including on 18.10.2023, wherein this Court sought the instructions from the Deputy Commissioner, Kamrup (Rural) as regards the question of compensation to be paid to the Petitioner.

4. Today, Mr. N. Goswami, the learned counsel appearing on behalf of the Deputy Commissioner, Kamrup (Rural) placed an instruction issued by the Additional District Commissioner, Kamrup, Amingaon, wherein it has been categorically mentioned that the "JICA" project was in respect to a plot of land measuring 25 bighas 4 kathas 19 lechas covered by Dag No. 357 of Lakheraj Patta No. 1 of North Guwahati town under Sila Sindurighopa Mouza, District of Kamrup, Assam and another plot of land measuring 1 katha 5 lechas covered by Government Dag No. 339 of the same village. It has been further mentioned that in respect to Dag No.357 of Lakheraj Patta No. 1 of North Guwahati town wherein the Petitioner was one of the pattadar, the Petitioner have already received the zirat value of Rs.3,10,367/-. In the said instructions, it was categorically mentioned that the land in question i.e. the land covered by Dag No. 220 of Lakheraj Patta No. 1 of North Guwahati town under Sila Sindurighopa Mouza in the District of Kamrup, Assam was not a part of the "JICA" project and as such the said land was never taken possession or the Petitioner was also never asked to vacate. It has been therefore mentioned that the question of payment of compensation to the petitioner or any direction to be passed to the Respondent Authorities not to dispossess

the Petitioner do not arise in view of the fact that the land in question had no relation whatsoever with the "JICA" project. The instructions which have been placed before this Court alongwith the documents enclosed therein are kept on record and marked with the letter "X".

5. Taking into account that the land in question was never intended to be taken over by the Respondent Authorities as is apparent from the instructions kept on record and marked with the letter "X", the Writ which have been sought for in the instant writ proceedings cannot be issued.

6. With the above observations and directions, the instant writ petition stands closed.

JUDGE

Comparing Assistant