

GAHC010031712022



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

Case No. : WP(C)/1838/2022

THE UNION OF INDIA AND 2 ORS.
REP. BY THE GEN. MANAGER, N.F RAILWAY, MALIGAON, GUWAHATI-11,
ASSAM

2: THE GEN. MANAGER
N.F RAILWAY
MALIGAON
GUWAHATI-11
ASSAM

3: THE DIVISIONAL MANAGER
N.F RAILWAY
MALIGAON
GUWAHATI-11
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE DEPARTMENT, DISPUR, GUWAHATI-6, ASSAM

2: THE DEPUTY COMMISSIONER
DIST- KAMRUP (M)
GUWAHATI-1. ASSAM

3: THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
DIST- KAMRUP (M)
. ASSAM

4: JAGANNATH KUMAR
S/O- LATE PITAMBER KUMAR
R/O- VILL- GOTANAGAR MALIGAON

P.S- JALUKBARI
P.O- GOTANAGAR
GHY- 781001
KAMRUP METR

Advocate for the Petitioner : MR A DASGUPTA

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/1907/2022

KRISHNA DUTTA AND 10 ORS
W/O- SRI KAMAL KANTI DUTTA
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

2: SURAJIT ROY
S/O- LATE MANORANJAN ROY
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

3: ARCHANA DUTTA
W/O- LATE PIJUSH KANTI DUTTA
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

4: SANTI RANJAN ROY
S/O- LATE CHANDRA KANTI ROY
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

5: NIRMAL KANTI ROY
S/O- LATE DHANANJAY ROY
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

6: MALATI ROY
W/O- LATE SUSHIL RANJAN ROY
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

7: ASHOK KUMAR GHOSH
S/O- LATE ANIL CH. GHOSH
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

8: SMT. JUKU DEB
W/O- LATE GOPAL DEB
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

9: SWAPAN KUKMAR ROY
S/O- LATE RAM GOPAL ROY
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

10: BABLU ROY
S/O LATE RAM GOPAL ROY
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.

11: SMT. MANJU DUTTA
R/O- MALIGAON
SARADA COLONY PRIVATE HOUSE
P.O. GOTANAGAR
P.S. JALUKBARI
PIN- 781033.
VERSUS

THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
REVENUE DEPARTMENT.

2:THE DEPUTY COMMISSIONER
KAMRUP METRO
GUWAHATI.

3:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
GUWAHATI-781001.

4:THE LAT MANDAL
VILL. GOTANAGAR
MALIGAON
CIRCLE OFFICE
GUWAHATI
KAMRUP METRO.

5:JAGANNATH KUMAR
S/O- LATE PITAMBER KUMAR
R/O- VILL. GOTANAGAR
MALIGAON
P.S. JALUKBARI
P.O. GOTANAGAR
GUWAHATI-781001
KAMRUP METRO.

6:THE UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER
NF RAILWAY
MALIGAON
GUWAHATI
KAMRUP(M)
ASSAM

Advocate for : MR. B C DAS

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 5 ORS.

BEFORE

HONOURABLE MR. JUSTICE KALYAN RAI SURANA

ORDER

Date : 08-06-2023

Heard Mr. A. Dasgupta, learned senior counsel assisted by Mr. S. Chakraborty, learned counsel for the petitioner in WP(C) 1838/2022. None appears on call for the petitioners in WP(C) 1907/2022. Also heard Mr. S. Baruah, learned counsel for the respondent nos.2 and 3 in WP(C) 1838/2022 and Ms. G. Hazarika, learned standing counsel for the Revenue Department appearing for the respondent no.1 in the said writ petition whereas Mr. S. Baruah, learned counsel for the respondent nos.2, 3 and 4 in WP(C) 1907/2022 and Ms. G. Hazarika, learned standing counsel for the Revenue Department appearing for the respondent no.1 and Ms. A. Gayan, learned CGC for the respondent no.6.

2. Mr. M.R. Sarma, learned counsel appearing on behalf of Mr. K. Singha, learned counsel for the respondent no.4 has prayed for an adjournment on the ground that the learned counsel is indisposed. In view of the nature of order proposed to be passed the prayer for adjournment of the private respondent is not entertained.

Facts in WP(C) 1838/2022

3. The Union of India representing the NF Railways has projected that the NF Railway had acquired about 502 Bighas 4 Katha 2 Lecha of land in Maligaon and Gotanagar area under Ramsarani Mouza which is presently Jalukbari Mouza in the district of Kamrup in the year 1958 by virtue of land acquisitions notification dated 21.06.1958 and 25.06.1958. It is projected that the Railway authorities were provided advanced position of the said land and in

respect of such acquisition, the Railways had also deposited the estimated land acquisition compensation of Rs.11,53,912.06 vide cheque dated 25.09.1959. It is also projected that as per mutual agreement between the Railway authorities and the Govt. of Assam a portion of land was handed over to the State Govt. for construction of Pandu port and in lieu the Govt. of Assam had given to the NF Railway about 45B-0K-14L of land at Revenue village Gotanagar and Maligaon under Ramsarani Mouza presently Jalukbari Mouza and in this regard a land acquisition notification dated 03.08.1963 was issued by the State Govt. for acquisition of the said land. It is projected that the Railways are in actual possession of the said land. The NF Railways' had opposed this Court by filing this writ petition on the ground that the Railway administration had been concernedly requesting the Deputy Commissioner, Kamrup Metro for initiating steps for demarcation and identification of the Railway land measuring 45B-0K-14L in revenue village, Gotanagar and Maligaon. However, the grievance of the Railways is that the concerned District Administration has not taken any steps for demarcation of the boundary. The NF Railway expresses the concern as part of their land is under unauthorized occupation and illegal constructions that have been coming up. It is submitted that due to lack of demarcation, Railway authorities have not been able to take steps.

4. In this regard the learned Govt. Advocate has referred to the addl. Affidavit filed by the respondent no.3 i.e. the Circle Officer, Guwahati Revenue Circle which not only contain the detail description of the status of land which was under survey but the said affidavit also contains (i) Map showing status of the land as per acquisition by Railway on the Map of 1962-63 which indicates boundaries of land claimed by the Railways as per acquisition/ record, (ii) other

patta land claimed to be in possession by the Railway, (iii) land possessed by the Railways. It would be appropriate to quote para-5 of the said affidavit which gives the detail description of the land surveyed:

5. That in compliance of the direction of the Hon'ble Court passed on 24-02-2023, a report has been prepared on the basis of completion of survey of the land in question by the office of the Joint Director of Surveys, Assam and instruction dated 16-03-2023 was sent to that effect.

As per instruction sent vide letter dated 16-03-2023 the detailed report is as follows:-

(i). It is stated that in terms of the Minutes of meeting regarding acquisition of railway land held on 24/05/2022 at the conference hall of the office of the Deputy Commissioner, Kamrup Metropolitan District and to ascertain the exact area of land of the N. F. Railway A joint demarcation was conducted along with the Assam Survey Department.

(ii). It is further stated that the Assistant Director of Survey, Assam vide his letter no. asd. 38/Svy.mattter/Kamrup (M).2021/55 dated 07/02/2022 has submitted the survey report along with a comparative map prepared in this regard after completion of Survey/Demarcation over the plot of land covered by Dag No. 316 (New) 321/548 (old) and the day the 317 (New) 322/549 (old) of K.P. Patta No. 57 of Village: Gotanagar, Mouza :- Jalukbari, under the jurisdiction of this office.

(iii). After going through the survey map submitted by the Assam Survey it is seen that part of land recorded in Dag No. 542 (old)/201, 204 (new) and land recorded in Dag No. 551 (old)/ 1817 (new) of revenue Village:- Gotanagar under Mouza :- Jalukbari has been claimed by the Railway as per acquisition record. After field verification by the L.R. staff it is seen that the land covered by Dag No. 542 (old)/ 201, 204 (new) is not under possession of railway department (chitha copy ended). Again, as per the award list in respect of acquisition of Railway land, the land covered by Dag No. 542, 551 (old) is acquired railway land.

(iv). As per the survey map, part of land covered by Dag No. 543 (old)/ 202, 205, 206 & 1772 (new) of the aforesaid Village & Mouza is under possession of the Railway authority (chitha copy enclosed). Again, as per the award list in respect of acquisition of Railway land, the land covered by Dag No. 543 (old) is acquired railway land.

(v). Again as per survey map submitted by the Assam survey land covered by Dag No. 544(old)/ 207, 1773 (new), 545 (old)/ 208, 1774, (new), 558 (old)/ 209, 1775, (new), 559 (old)/ 210 (new), 1776 (new), 560 (old)/ 211, 1777 (new), 546 (old)/ 314 (new), 547 (old)/ 315 (new), 557(old)/ 313 (new), 556 (old)/ 312(new), 554 (old)/ 311 (new), 680 (old)/ 309 (new), 681 (old)/ 308 (new), 682 (old)/ 307 (new), 684 (old)/ 305 (new). 715 (old)/ 304 (new), 714 (old)/ 303 (new), 688 (old)/ 301 (new), 552 (old)/ 1817 (new) have been possessed by railway authority.

It is to be mentioned that as per the award list in respect of acquisition of Railway land, the land covered by Dag No. 544, 545, 558, 559, 560, 547, 557, 556, 554, 680, 681, 682, 684, 714, 688, 552(old) is acquired railway land and land covered by Dag No. 546 & 715 (old) is not acquired land by railway.

(vi) As per the survey map, land covered by Dag No. 548 (old)/ 316 (new), 679 (old)/ 310 (new), 683 (old)/ 306 (new), 687 (old)/ 302 (new) have been claimed by the railway (chitha copy enclosed) . It is to be mentioned that the land covered by Dag No. 548, 679, 683 & 687 (old) is not acquired railway land as per the award list regarding acquisition of Railway land.

(vii). Furthermore, as mentioned in the survey map, land recorded in Dag No. 549 (old)/ 317 (new) measuring 49.22 are also claimed by the railway as per acquisition record. During field verification by the L.R. staff it is seen that construction of an R.C.C. building is underway on the land covered by Dag No. 317 (new) and possession of railway has not been seen in respect of land covered by Day No. 317 (new) (Chitha copy enclosed). Again, as per the award list regarding acquisition of Railway land, land measuring 49.22 Are, covered by Dag No. 549 (old) 317 (new) is acquired railway land.

While the matter came up before the Hon'ble Court on 17- 03-2023 for its consideration, on being placed the same before the Hon'ble Court, the Hon'ble Court has directed to bring the same on record by way of an affidavit.

Copy of the instruction dated 16-03-2023 along with the comparative map prepared by the Assam Survey is annexed herewith and marked as Annexure-A.

The relevant extract of translated chita copies pertaining to the survey in respect of the land in question is also annexed as Annexure-B (series) in a compilation.

Facts in WP(C) 1907/2022

5. The said WP(C) 1907/2022 has been filed by 11 petitioners. In brief, the case of the petitioners is that vide land acquisition notification dated 23.08.1963 which was published in the Assam Gazette Notification on 28.08.1963, 45B-0K-14L land was acquired by the Govt. of Assam for providing land to the Railways in exchange of the land given by them for Pandu Port. The petitioners claims that as per the said notification that (i) in the south portion the acquired land is covered by Dag no.550/336 Ka, 551/337 Ka, 552/338 Ka,

Part dag and 900. Similarly, in the west, the acquired land is covered by Dag nos.550/336 Ka, 549/322 Ka, 542/147 Ka, 543/148 Ka and 173/64 Ka, (ii) the petitioners claim that in the year 1966, the Revenue authorities had prepared a trace Map for the Revenue village, Gotanagar and in the said Map, the Dag no.338 is situated in the East of Dag no.337 and also that Dag no.337 is situated in the east side of Dag no.336. Consequent upon various settlements done by the concerned authority, Dag no.338 was renumbered as 552 and again renumbered as 317 (current) under patta no.508(o)/419 (n), Dag no.336 was renumbered as 550 having patta no.87, Dag no.332 was renumbered as 549 having patta no.96, dag no.337 renumbered as 551, (iii) one Mr. Dharmakanta Kumar, son of Late Baneswar Kumar was the original owner and pattadar of Dag no.549/322 which is shown in the Eastern boundary in the Assam Gazette Notification dated August 28,1963. The Govt. of Assam acquired a part of the Dag no.549/322 measuring 1B-4K-12L from Mr. Dharmakanta Kumar.

6. After acquisition of the land, Mr. Dharmakanta Kumar he sold rest of the land of the Dag No. 549/322 to some private persons and from whom the present petitioners purchased through different sale deeds. The petitioners state that in their respective sale deeds, the boundary of the land was mentioned and the eastern boundary, it was mentioned as Railway Land. After purchasing the lands in question, different pattas and dags nos. are created from the original Dag no. 549/322. The petitioners beg to state that their residential houses are adjacent to each others and for their own convenience all of them had left 8 ft. of land from the front (eastern) side of their patta land to be used as private road for their easy ingress and egress.

7. Sri Jagannath Kumar i.e. the respondent no. 5 made an application before the respondent authorities for demarcating his land. Accordingly, some officials from the office of the Circle Officer came and started to demarcate the Railway land which is on the eastern side of the petitioners' land and they were shocked and surprised while after completing the measurement of the land the officials of the state respondents erected pillars at least 8 ft. inside the patta land of the petitioners in the name of purported demarcation initiated at the instance of the respondent No. 5. On confrontation with the officials the petitioners they could learn that they had come for demarcation of the land bearing dag no.317.

8. The petitioners thereafter inquired the matter with the Revenue authority and obtained a trace map of Dag no. 317 and found that in the current trace map of village Gotanagar, Mouza: Jalukbari, in the district of Kamrup (M), Assam, Dag No. 338/552/317 has been shifted from its original position i.e. south to eastern side to a part of Dag No. 549/322 and a part of Dag No. 550/336.

9. Accordingly, the petitioners claim that several representations were submitted to the concerned authorities to correct the anomalies which has been caused by shifting of the possession of the concerned Dag No.549/332. Accordingly, it is claimed that the private respondent no.5 namely, Sri Jagannath Kumar has been digging the earth to start construction over the said land and the petitioners apprehended that their 8ft of land which was used as private road for their easy ingress and egress to their residence would be taken in making the construction.

10. In their affidavit-in-opposition, the NF Railway amongst others has taken the following stand:

D. That the deponent begs to state that recently it has been noticed that encroacher tried to occupy railway land under old dag no. 319, 320 and 322 at revenue village Gotanagar, Jalukbari. The land belongs to railway authorities is shown in territorial map of village Maligaon and Gotanagar which was certified and countersigned by the land acquisition officer, B.B.A. and Railway ACO. Branch, Guwahati dated 11.01.1967. The Dag no. 549 which is old Dag no. 322 of village Maligaon and Gotanagar which is reflected in subsequent land plan no. 1612 dated 14.09.1997. Payment had been made to the pattadar by the revenue authority vide L.A.O.RQ/10095 dated 29.11.1969 against the land covered by da no. 322, 549. The Govt. of Assam, Office of the Joint Director of Survey, Assam has initiated survey of land in question and submit the survey report by the survey or after completion of the survey over a plot covered by Dag No 322/549(0)/317(New) of village Gotanagar, Jalukbari. From the Survey Report it is ascertained that the new Dag No. 317 emanated from old Dag No. 322 and intermediate Dag no. is 549 which belongs to the Railways. The survey report has also mentioned that the new Dag No. 317 is not only derived from old Dag No.322/549(0), it is consisted with few other Dag No. which belongs to Railway and shown in the tabular form with respect to their measurement of land.

Old Dag No.	Measurement			Remarks
	Bigha	Katha	Lessa	

339/553	0	1	3	The Surveyor Report clearly stated that the new Dag No.317 has been consisted with the Old Dag Nos.322/549, 336/550, 337/551, 338/552 & 339/553 and total measuring of Land is 03(three) Bighas 02 (Two) Kathas & 07 (Seven) Lessas.
338/552	0	1	0	
337/551	0	1	6	
336/550	1	0	6	
322/549-1/3/12	3	2	7	
Total				

11. It is crystal clear from the survey report that the respondent no. 1/applicant of 1.A.(C) No.3645/2022 has encroached the railway land.

12. A copy of survey report dated 19/11/2022 along with letter dated 21/11/2022 issued by Asst. Director of Survey, Assam and comparative map are annexed to the affidavit-in-opposition filed by the respondent no.6 in WP(C) 1907/2022, and marked as Annexure-D.

13. Therefore, the NF Railway claims that the private respondent is an encroacher of the Govt. land. The Circle Officer, Guwahati Revenue Circle (respondent no.3) in his affidavit-in-opposition filed on 01.08.2022 in WP(C) 1907/2022 has taken the following stand-

17. That with regard to the averments made in paragraph- 21 of the writ petition, the deponent begs to state that during field verification, construction of an R.C.C building is seen to be going on in Dag no. 317 of K.P. Patta 419 of aforesaid Village and Mouza. It is also seen that a road measuring 8 feet is running in a portion of land belonging to Dag no. 317 of K.P. Patta no. 419 of the aforementioned Village and Mouza. Notice has been issued to all concerned to stop construction activities until the joint demarcation process with N.F. Railways is completed.

The deponent further begs to state that during field verification and measurement done by LR Staff, it is seen that no portion of land recorded in the name of petitioners is included in the land of Jagannath Kumar and other pattadars recorded in Dag No 317 of K P Patta No. 419 of revenue village Gotanagar under Jalukbari Mouza. It is also to be mentioned that during field verification it is seen that a road measuring 8 feet in breadth is running on the land covered by Dag No 317 revenue village Gotanagar under Jalukbari Mouza recorded in the name of the respondent No. 5 and other pattadars and no portion of land of the writ petitioners has been included in Dag No.317 of aforesaid village.

14. Having noted the contents of the writ petitions. The bone of contention of the Railway authorities is to the extent that the land measuring 45B-0K-14L in village Gotanagar and Maligaon under Ramsariani Mouza (presently Jalukbari Mouza) was acquired and handed over to the NF Railway in lieu of and/or exchange of land handed over to the State for Pandu Port and in this regard the Railway authorities are relying on the land acquisition notification no.MLO/86/63/16 dated 03.08.1963 which is stated to have been published in the official Gazette. The Court has taken note of the addl. affidavit filed by the Circle Officer (respondent no.3) in the proceeding of WP(C) 1838/2022 which is already narrated above. In this regard the Court finds that the prayer made in WP(C) 1838/2022 is only for a direction to the respondent authorities to carry out the process of identification and demarcation of land measuring 45B-0K-14L in Maligaon and Gotanagar village.

15. It may be mentioned that as per the stand taken in the writ petition, vide notification no.MLO/86/63/16 dated 03.08.1963, 45B-0K-14L of land was acquired vide declaration made under section 6 of the Land Acquisition Act.

16. Therefore, as Railway land is a public property, the land and revenue

personnel under the establishment of the Deputy Commissioner, Kamrup (M), Guwahati are required to conclude the demarcation process which has been initiated as can be culled out from the additional affidavit filed by the respondent no.3 i.e. Circle Officer, Guwahati Revenue Circle to its logical conclusion by setting up the demarcation pillars.

17. Nonetheless, while doing so, the land revenue authorities under the establishment of the Deputy Commissioner, Kamrup (Metro), Guwahati will have to take into consideration the declaration issued under section 6 of the Land Acquisition Act and such demarcation should be in consonance with the said notification.

18. In so far as the proceedings of WP(C) 1907/2022 is concerned to the petitioners therein claim that land covered by Dag no.338/552/317 has been shifted from its original possession by claiming that the shifting was from south to eastern side of Dag no.549/332 and a part of Dag no.550/336.

19. In this regard the concerned person undertaking the demarcation of the Railway land shall ascertain as to whether any part of the land claimed by the petitioners therein form a part of the Railway land. The authorities conducting in the land of demarcation shall give a specific finding with regard to the land claimed by the petitioners in WP(C) 1907/2022 and as to whether there has been any shifting of the possession of the land covered by Dag no.338/552/317 from its original position as it existed when notification dated 28.08.1963 was published so as to bring a clarity of the land claimed by the petitioners in WP(C) 1907/2022 *vis-à-vis* respondent no.5, namely, Sri

Jagannath Kumar.

20. Save and except to clarify that the said possession, nothing more is required to be done by the Land Acquisition authorities because the *inter se* dispute, if any between the petitioners and the respondent no.5, namely, Jagannath Kumar will have to be left to be decided by a competent Court having jurisdiction. Such a determination may not be the subject matter that can be taken up by the land revenue staff.

21. In respect of WP(C) 1838/2022, it is clarified that the land revenue staff attached to the office of the Deputy Commissioner, Kamrup (Metro), Guwahati is only required to demarcate the boundaries of the Railway land in terms of Gazette notification published on 03.08.1963 and they are not required to take any other steps. Therefore, for the next course of action, it is left to be decided by the Railway authorities as to how and/ or in what matter, they will proceed.

22. In to the order dated 22.07.2022 passed in IA(C) 1789/2022 in WP(C) 1907/2022, this Court had made the following observations:

“In view of the aforesaid facts & circumstance, this Court is of the view that the present interim order dated 16.03.2022 is required to be clarified by holding that there is no restraint on the construction activities of the applicant / respondent no. 5 on his plot of land. However, such construction activities are to be done without touching the plot of land measuring 8 feet in breadth which is the subject matter of the writ petition.

It is further observed that any activities or development made on the aforesaid plot of land shall be subject to the outcome of the writ petition.”

23. Accordingly, the learned standing counsel for the NF Railway has submitted that the said order was passed in an application filed by the respondent no.5 in WP(C) 1907/2022 namely, Jagannath Kumar. However, in IA(C) 1789/2022, the respondent no.5 namely, Jagannath Kumar has projected that he is the owner and possession of the land measuring 3B-3K-7L of land covered by Dag no.552 (old)/ 317(new) of KP patta no.60(old)/419(new) of Revenue village-Gotanagar, Mouza Jalukbari in the district of Kamrup (Metro). On the basis of the said projection, this Court had provided that construction and development made on the aforesaid plot of land, would be subject to the outcome of the writ petition.

24. At this stage the learned standing counsel for the NF Railways has referred to the statement made in sub-para (vii) of para-5 of the additional affidavit filed by the respondent no.3 in WP(C) 1838/2022, wherein it has been projected that new Dag no.317 is corresponding to old Dag no.549. However, regarding acquisition of Railway land, the plot of land measuring 49.22 ares, covered by Dag no.549(old) /317(new) is acquired as Railway land. On the contrary, the same respondent no.3 in his affidavit-in-opposition filed on 01.08.2022 in the proceedings of WP(C) 1907/2022, has mentioned in para-4 that new Dag no.317 of KP patta no.419 of village Gotanagar is corresponding to old Dag no.552 by restoring the name of previous pattadar by striking out the name of NF Railway land.

25. In view of the said discrepancy observed in the statement made in para-9 of the affidavit-in-opposition filed by the Circle Officer (respondent no.3) in WP(C) 1907/2022 and para-5(vii) of the addl. Affidavit filed by the same

authority in WP(C) 1838/2022 the concerned authorities under the establishment of the Deputy Commissioner, Kamrup (Metro) Guwahati shall also ascertain the correct position of the said land and shall record it in the order that would be passed in the demarcation case.

26. Before parting with the records, the Court is inclined to clarify that this Court has not adjudicated the right, title and interest of any of the parties to these writ petitions and therefore, if there is any *inter se* dispute between the parties with regard to the title or ownership of the said land, or right of the Railway authorities to evict the encroachers, the respective parties would be free to approach the competent Court of law and/or Forum, as the case may be.

27. The demarcation process should be brought to its logical conclusion preferably within a period of 2(two) months from today. The NF Railway shall be ready and willing to provide the boundary pillars for the said demarcation of the land.

28. In the interest of the private parties to these writ petitions, it is provided that it would be open to the Deputy Commissioner, Kamrup (Metro), Guwahati to give them a reasonable opportunity of hearing, if so required.

29. Accordingly, all the appearing parties shall produce a certified copy of this order before the Circle Officer, Guwahati Revenue Circle (respondent no.3) and appear before the said authority on 23.06.2023, without requirement of service of notice upon the appearing parties, so as to enable the said authority

to fix a date for hearing .

30. These writ petitions stands disposed of with aforesaid observations as indicated above.

JUDGE

Comparing Assistant