

GAHC010079972018



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

Case No. : WP(C)/2484/2018

BIRAJA DEVI AND 7 ORS
W/O SHRI NRIPEN SARMA,
R/O VILL- PURNA DUICHAPARA, P.O. LAHKARPARA, IN THE DIST. OF
NALBARI, ASSAM, PIN - 781350.

2: SRI MONTU BHUYAN
S/O SRI PRABHAT BHUYAN
R/O VILL- PURNA KHUMDUM
P.O. LAHKARPARA
IN THE DIST. OF KAMRUP
ASSAM
PIN - 781350.

3: SRI RATUL SARMA
S/O SRI DURGESWAR SARMA
R/O DEHORKUCHI
P.O. SANEKUCHI
IN THE DIST. NALBARI
ASSAM
PIN - 781350.

4: SRI RAMESH KALITA
S/O LT. PDADHIRAM KALITA
R/O VILL- PURNA KHUMDUM
P.O. LAHKARPARA
IN THE DIST. OF KAMRUP
ASSAM
PIN - 781350.

5: SRI BIREN SARMA
S/O LT. RADHA KANTA SARMA
R/O VILL- BARANGHATI
P.O. BARANGHATI
IN THE DIST. OF KAMRUP

ASSAM
PIN - 781350.

6: SRI ASTI RAM TALUKDAR
S/O LT. UDAY TALUKDAR
R/O VILL- KHELAPAR
A P.O. BARANGHATI
IN THE DIST. OF KAMRUP
ASSAM
PIN - 781350.

7: SRI DIJEN CHANDRA SARMA
S/O LT. UMA SARMA
R/O VILL- BHITHARA
P.O. BARANGHATI
IN THE DIST. OF KAMRUP
ASSAM
PIN - 781350

8: SRI PHANINDRA SAIKIA
S/O LT. DHANIRAM SAIKIA
R/O VILL- BORPULLA
P.S. KAYAN IN THE DIST. OF KAMRUP
ASSAM
PIN - 781350

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE DEPARTMENT, DISPUR, GUWAHATI- 781006.

2: THE DEPUTY COMMISSIONER
NALBARI DISTRICT
NALBARI
ASSAM

PIN - 781335.

3: THE CIRCLE OFFICER
BORBHAG REVENUE CIRCLE
NALBARI
ASSAM

4: THE OFFICER-IN-CHARGE
GHOGRAPAR POLICE STATION
DIST. NALBARI
ASSAM

PIN - 781369

5:SHRI DHARMA DUTTA LAHKAR
S/O SHRI KRISHNA DUTTA LAHKAR
R/O PURNA DAICHAPAR
A SARUDOL LAKHARPARA
P.O. LAHKARAPARA
INTHE DIST. OF NALBARI
ASSAM
PIN - 781350

Advocate for the Petitioner : MR. R C SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 27-09-2023

1. The instant writ petition has been filed by the petitioners seeking a direction upon the respondent Nos.2 and 3 to remove the obstructions caused by the private respondent No.5 and restrain the respondent No.5 from causing nuisance in the middle of the road as well as seeking a direction upon the respondent Nos.1, 2 and 3 to acquire the land measuring 425 ft × 10 ft of Dag No.203 of KP Patta No.139 of village Purna Doichapara under Mouza Pub Banbhag, P.S Ghograpar in the district of Nalbari, Assam under the provisions of Right to Fair Compensation and Transparency in land Acquisition Rehabilitation and Resettlement Act, 2013.
2. From a perusal of the writ petition it transpires that it is an internal dispute between the petitioners and the private respondent No.5. Under such circumstances the question of issuing a direction

upon the respondent Nos.2 and 3 to intermeddle with the dispute between the petitioners and the respondent No.5 does not arise.

3. This court further made an enquiry with Mr. N Goswami, the learned counsel appearing on behalf of the respondent Nos.1, 2 and 3 as to whether the land for which direction has been sought for is in occupation of the respondent Nos.1, 2 and 3.

4. The learned counsel submitted that the respondent Nos.1, 2 and 3 have not occupied the said land and there is no instruction as to whether the respondent Nos.1, 2 and 3 requires the said land.

5. Under such circumstances the question of issuance of a mandamus does not arise upon the respondent Nos.1, 2 and 3 to acquire the land measuring 425 ft × 10 ft of Dag No.203 of KP Patta No.139 of village Purna Doichapara under Mouza Pub Banbhag, P.S Ghograpar in the district of Nalbari, Assam.

6. In that view of the matter the instant writ petition is devoid of any merits for which the same stands dismissed.

7. Before concluding, this court finds it relevant to observe that from a perusal of the writ petition it reveals that the dispute is a private civil dispute between the petitioners and the respondent No.5 and under such circumstances, the petitioners would be at liberty to prefer appropriate proceeding before the competent Civil Court against the respondent No.5 and the dismissal of the instant Writ Petition shall not prejudice the petitioners in such proceedings, if so initiated.

JUDGE