

GAHC010132042013



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

**Case No. : WP(C)/6183/2013**

ASSAM STATE TEXTBOOK and ANR  
CORPORATION EMPLOYEES' UNION, A REGISTERED UNION REP. HEREIN  
BY ITS GENERAL SECRETARY SRI RAMESH CHANDRA SARMA.

2: SRI RAMESH CHANDRA SARMA  
S/O LT. B. SARMA R/O PUB GEETANAGAR P.S. GEETANAGAR GUWAHATI-  
781024

VERSUS

THE STATE OF ASSAM AND 6 ORS  
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,  
REVENUE DEPARTMENT, SACHIVALAYA, DISPUR, GUWAHATI- 781006.

2:THE SECRETARY TO THE GOVT. OF ASSAM

GUWAHATI DEVELOPMENT DEPARTMENT  
SACHIVLAYA DISPUR  
GUWAHATI- 781006.

3:GUWAHATI METROPOLITAN DEVELOPMENT  
AUTHORITY  
A STATUTORY BODY CORPORATE UNDER THE GUWAHATI  
DEVELOPMENT DEPARTMENT  
GOVT. OF ASSAM  
WITH REGISTERED OFFICE AT 3RD FLOOR  
STATEFED BUILDING  
BHANGAGARH  
GUWAHATI- 781005  
REP. HEREIN THROUGH ITS CHIEF EXECUTIVE OFFICER.

4:THE DEPUTY COMMISSIONER -CUM-  
COLLECTOR  
KAMRUP METROPOLITAN DISTRICT

PANBAZAR  
GUWAHATI- 781001.

5:THE CIRCLE OFFICER

GUWAHATI REVENUE CIRCLE  
OFFICE OF THE DEPUTY COMMISSIONER  
KAMRUP METROPOLITAN DISTRICT PANBAZAR  
GUWAHATI- 781001.

6:ASSAM STATE TEXT BOOK PRODUCTION  
AND PUBLICATION CORPORATION LIMITED  
REP. BY ITS MANAGING DIRECTOR  
PANBAZAR  
GUWAHATI- 781001

7:THE LIQUIDATOR

STATEFED  
KHANAPARA  
GUWAHATI- 781022

**Advocate for the Petitioner** : MR.T CHUTIA

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**19.09.2023**

Heard Mr. B. D. Goswami, learned counsel appearing for the writ petitioners.

Also heard Ms. N. Bordoloi, learned Standing Counsel, Revenue Department, Assam appearing for the respondent No.1 and Mr. D. Gogoi, learned counsel appearing for the Assam State Textbook Production and Publication

Corporation Limited i.e. the respondent No.6 herein. Mr. J. Handique, learned Government Advocate, Assam has appeared on behalf of the respondent

Nos.2, 4 and 5. Mr. P. Nayak, learned counsel has appeared for the respondent

No.3.

The writ petitioner No.1 herein is a Union of the Assam State Textbook Corporation Employees Union and is represented by its General Secretary who is the petitioner No.2. Aggrieved by the agreement dated 19.09.2009 entered into by and between the respondent No.3 i.e. the Guwahati Metropolitan Development Authority (GMDA) and the respondent No.6 i.e. the Assam State Textbook Production and Publication Corporation Limited as well as the order dated 26.10.2007 requisitioning an area of land measuring 40.14 Are situated at village Sahar Guwahati Part-4 under Ulubari Mouza comprising of Dag No.440 of K.P. Patta No.269, the Employees Association have approached this Court *inter-alia* contending that the plot of land belonging to the respondent NO.6 is required for the purpose of building infrastructure viz., Godown for storing the textbooks for the Corporation and therefore, there was no justifiable ground for the authorities to requisition the aforesaid plot of land for construction of parking area.

It appears that due to the pendency of this proceeding no further action was taken in the matter by the authorities and in the meantime, the agreement dated 19.09.2009 has also spent its force. As such, the aforesaid project is unlikely to materialise at this point of time as per the stand taken by the GMDA authorities themselves in their affidavit. Under the circumstances, the petitioners have argued that the land in question be de-requisitioned and returned to the Corporation.

Mr. D. Gogoi, learned counsel for the respondent No.6 submits that he has instructions to support the case of the writ petitioners herein. The learned Government Advocate, Assam as well as the learned Standing Counsel,

Revenue Department, Assam have also not opposed the prayer made by the petitioners' counsel.

The learned counsel for the GMDA, Mr. P. Nayak, submits that he does not have any updated instruction in the matter.

If the original agreement dated 19.09.2009 has become unenforceable, then it is apparent that the writ petition has also become infructuous in a way.

However, since the land in question has not yet been de-requisitioned and in view of the stand taken by the learned counsel for the GMDA, a direction would be required to be issued by this Court to de-requisition the land.

Accordingly, this writ petition stands closed by providing that the land in question shall be de-requisitioned by the authorities by following the due process of law. If the land is required to be put in use for any public purpose in the future, the same shall be done only after due consultation with the respondent No.6.

With the above observation, the writ petition stands disposed of.

**JUDGE**

**Comparing Assistant**