

GAHC010011692024



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

Case No. : WP(C)/274/2024

SARALA PATIRI

W/O- SRI PHANIDHAR PATIRI, R/O- VILL- HOUSE NO. 12, BISHNU NAGAR,
SANTIRAM KRO PATHA, 01 NO. MADGHARIA, PATHARQUARY, P.S.

NOONMATI, DIST. KAMRUP(M), GUWAHATI-71, ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS

REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, DEPARTMENT OF LAND AND REVENUE AND
DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE DISTRICT COMMISSIONER

KAMRUP(M)

GUWAHATI

ASSAM

3:THE CHIEF EXECUTIVE OFFICER

GUWAHATI METROPOLITAN DEVELOPMENT AUTHORITY

BHANGAGHAR

KAMRUP(M)

GUWAHATI

ASSAM

4:THE CIRCLE OFFICER

DISPUR REVENUE CIRCLE

KAMRUP(M)

GUWAHATI

ASSAM

5:THE EVICTION-IN-CHARGE CUM ENGINEER

GMDA

GUWAHATI

ASSA

Advocate for the Petitioner(s) : Mr. G. G. Gogoi

Advocate for the respondent(s): Mr. S. Bora, Standing Counsel

GMDA

Mr. R. Borpujari, R-1

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 19.08.2024

Heard Mr. G.G. Gogoi, the learned counsel appearing on behalf of the petitioner. Mr. R. Borpujari, the learned counsel appears on behalf of respondent No.1 and Mr. S. Bora, the learned Standing Counsel GMDA appearing on behalf of the respondent No. 3.

2. This Court vide an order dated 22.07.2024 has put a query to the petitioner in view of the inconsistent stands in his submissions vis-a-vis paragraph No. 16 of the writ petition. Accordingly, an affidavit was directed to be filed. A perusal of the said affidavit shows that the petitioner claims a much higher amount taking into account certain valuations.

3. Upon hearing the parties and perusal of the materials on record, it is seen that the claim of the petitioner cannot be decided in the present writ proceedings. Such claim can only be decided in a proceedings wherein evidence can be tendered. The loss which the petitioner felt on account of the eviction being carried out and the demolishing of his property as stated would involve deciding into various factual aspects which would require an indepth analysis of the evidence.

4. Accordingly, this Court is not entertaining the instant writ petition. However, grants the liberty to the petitioner to approach the Court of Competent Civil Jurisdiction wherein the claim as regards compensation can be made.

5. The dismissal of the instant writ petition on account of non entertaining shall not prejudice the petitioner. It is however observed that the said claim shall be subject to the relevant laws.

JUDGE

Comparing Assistant