

GAHC010073872022



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

Case No. : WP(C)/2838/2022

NEPALPARA BAZAR (SERFANGURI) BABSAYEE SAMITI
REPRESENTED BY ITS PRESIDENT ERAGDAO NARZARY, S/O LT RAJANI
KANTA NARZARY, VILL-NEPALPARA BAZAAR, SERFANGURI, P.O.-
SERFANGURI, P.S.-SERFANGURI, DIST-KOKRAJHAR, BTAD, ASSAM, PIN-
783346

VERSUS

THE STATE OF ASSAM AND 7 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, DEPARTMENT
OF AGRICULTURE, GOVT OF ASSAM, GUWAHATI-06

2:THE BODOLAND TERRITORIAL COUNCIL
KOKRAJHAR
ASSAM
REPRESENTED BY ITS PRINCIPAL/SECRETARY
BTC
KOKRAJHAR
ASSAM

3:THE DIRECTOR OF AGRICULTURE
ASSAM
KHANAPARA
GUWAHATI-22

4:THE DEPUTY COMMISSIONER
KOKRAJHAR
BTAD
ASSAM-783370

5:THE ADDITIONAL DEPUTY COMMISSIONER
KOKRAJHAR

BTAD-783370

6:THE DISTRICT AGRICULTURE OFFICER
KOKRAJHAR
BTAD
ASSAM-783370

7:THE CIRCLE OFFICER
DOTMA REVENUE CIRCLE
DOTMA
DIST-KOKRAJHAR
BTAD
ASSAM-783347

8:THE BLOCK DEVELOPMENT OFFICER
DOTMA BLOCK
DOTMA
DIST-KOKRAJHAR
BTAD
ASSAM-78334

Advocate for the petitioner(s): Mr. PK Das

Advocate for the respondent(s): Mr. B Choudhury

For respondent Nos.1, 2, 3, 6 and 8

Mr. N Goswami

For respondent Nos.4, 5 and 7

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

23.09.2024

Heard Mr. PK Das, the learned counsel appearing on behalf of the petitioner.
Also heard Mr. B Choudhury, the learned counsel appears on behalf of

respondent Nos.1, 2, 3, 6, 7 and 8 and Mr. N Goswami, the learned Junior Government Advocate, Assam appears on behalf of the respondent Nos.4 and 5.

2. The petitioners herein is a Society registered under the provisions of the Societies Registration Act, 1860. It is the case of the petitioners that a land covering around 13 bighas 2 kathas and 10 lechas falls under Dotma Circle, Mouza 6th Part, Sidli, bearing Dag No.159, which is a Government land and there is also another plot of land which covers 5 bighas 3 kathas and 2 lechas bearing Dag No.269. In the said lands, there is a market established in the year 1987 and the members of the petitioners' Society are engaged in carrying out their business by running their shops. In the month of December, 2021, the petitioners were informed that the market, in question, would be demolished and the said lands would be used to construct an open market under the Assam Agribusiness and Rural Transformation Project (APART) scheme. It is the further case of the petitioners that they have submitted representations that they should be provided alternative land for resettlement purpose and accordingly they may be given some time to sort out everything for the purpose of relocation of their shops.

3. The petitioners further is aggrieved by the fact that inspite of their representation, no steps have been taken for which the instant writ petition has been filed.

4. Mr. B Choudhury, the learned counsel appearing on behalf of the respondents has submitted that the decision to set up a new market in terms

with the Assam Agribusiness and Rural Transformation Project (APART) scheme has been done on the basis of a public consultation being carried out wherein the members of the petitioners' Society have duly participated. It is submitted that in the minutes of the meeting recorded on 17.01.2021 which was a meeting held, wherein the members of the petitioners' Society had duly participated, it was resolved that the members of the petitioners Society would be temporarily re-settled in a safer location i.e. in the Nepalpara Paddy Market Field near the Small Car Stand (Maruti Stand) and the temporary sheds would be constructed to accommodate the relocated sellers during the construction period. The learned counsel appearing on behalf of the respondents further submitted that this aspect of the matter had not been brought to the notice of the Court while filing the writ petition.

5. It has also been submitted that the respondent authorities are not adverse to providing temporary sheds to the members of the petitioners Society in terms with the resolution so adopted in the meeting held on 17.01.2021.

6. Taking into account the above, this Court finds no ground to entertain the instant writ petition. This Court, however, observes that the respondent authorities shall also duly take note of that the members of the petitioners Society in order to carry on their livelihood have to be provided certain temporary sheds during the period when the construction is carried out and as such, the concerned respondent authorities are directed to provide such temporary sheds, if not already provided.

7. With the above, the instant writ petition stands disposed of.

8. The instruction(s) so provided is returned back to Mr. B Choudhury, the learned Standing Counsel, BTC as well as the Agriculture Department, Government of Assam.

JUDGE

Comparing Assistant