

GAHC010044072023



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

Case No. : I.A.(Civil)/1520/2024

THE DEPUTY COMMISSIONER
KAMRUP (M) AND ANR
GUWAHATI

2: THE CIRCEL OFFICER
DISPUR REVENUE CIRCLE
KAMRUP (M)
VERSUS

KHAGEN CHANDRA DAS AND 2 ORS.
S/O LATE NARAD CHANDRA DAS
R/O HOUSE NO. 99
PATHERQUARRY
P.O.-UDAYAN BIHAR
P.S.-NOONMATI
DIST- KAMRUP (M)
ASSAM

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY
REVENUE DEPARTMENT
DISPUR
GUWAHATI
DIST-KAMRUP (M)
ASSAM
PIN 781006

3:THE EXECUTIVE ENGINEER
PWD (ROADS)
GUWAHATI CITY DIVISION NO. III
GOVT OF ASSAM
BAMUNIMAIDAM
GUWAHATI-21

Advocate for : JR. GA

ASSAM

Advocate for : MR. K M MAHANTA appearing for KHAGEN CHANDRA DAS AND
2 ORS.

BEFORE

THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

Order

05.09.2024

1. Heard Mr. D Nath, learned counsel for the petitioner. Also heard Ms. N Begum, learned counsel for the writ petitioner.
2. The present application is filed for modification/ alteration of an order dated 20.03.2023 passed in WP(C) 1420/2023. The aforesaid writ petition was filed being aggrieved by a notice dated 03.01.2023 issued by the Deputy Commissioner, Kamrup (M) in exercise of power under Section 3(1) of the Assam Land (Requisition / Acquisition) Act, 1964 by which certain land including the land of the petitioner has been sought to be requisitioned for purpose of construction of the approach road to Jagannath Temple of Patharquary in Village No. 1, Mathgharia.
3. Considering that the requirement of the land was for permanent approach road and the same cannot be said to be temporary one and that requisition process cannot be initiated for such purpose, this court by order dated 20.03.2023 directed to maintain status quo so far the land of the petitioner is concerned.
4. It is the case of the Deputy Commissioner cum Collector that the Collector is intending to initiate the process for acquisition of the land inasmuch as it is a permanent construction. However, for the order passed by this court directing the maintenance of status quo, the Collector is not in position to proceed with the land acquisition process.
5. In view of the aforesaid, this court is of the opinion that the interim order can be modified giving a liberty to the Collector to acquire the land of the petitioner in accordance with law. Accordingly, it is provided that the status quo order dated 20.03.2023 shall not bar the

Collector to initiate the due process of land acquisition for acquiring the land of the petitioner. Accordingly the order dated 20.03.2023 is modified to the aforesaid extent.

6. With the aforesaid observation, the IA stands disposed of.

JUDGE

Comparing Assistant