

GAHC010137052024



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

Case No. : WP(C)/4169/2024

PHANIDHAR TALUKDAR AND 3 ORS
S/O- TITHI RAM TALUKDAR, R/O- KALJAR, P.O. KALJAR, P.S. BARAMA,
DISTRICT- BAKSA, ASSAM

2: HALIRAM MOCHAHARY
S/O- PAMEN MOCHAHARY
R/O- KHARNA
P.O. KHARNA
P.S. BARAMA
DISTRICT- BAKSA
ASSAM

3: KALA RAM MUCHAHARY
S/O- PRATAP CHANDRA MOCHAHARY
R/O- KHARNA
P.O. KHARNA
P.S. BARAMA
DISTRICT- BAKSA
ASSAM

4: DHANJIT MEDHI
S/O- BHARAT CHANDRA MEDHI R/O- KALPAR
P.O. KALPAR
P.S. BARAMA
DISTRICT- BAKSA
ASSA

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, THE PUBLIC WORKS (ROADS) DEPARTMENT,
SACHIVALAYA, DISPUR, ASSAM- 781006

2:THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVERNMENT
OF ASSAM
PUBLIC WORKS (ROADS) DEPARTMENT
SACHIVALAYA
DISPUR
ASSAM- 781006

3:THE CHIEF ENGINEER (ROADS)
PUBLIC WORKS ROADS DEPARTMENT
CHANDMARI
GUWAHATI
ASSAM

4:THE SUPERINTENDING ENGINEER
PUBLIC WORKS ROADS DEPARTMENT
KOKRAJHAR R AND B CIRCLE
DIST.- KOKRAJHAR

5:THE EXECUTIVE ENGINEER
PUBLIC WORKS ROADS DEPARTMENT
MUSALPUR (R AND B) DIVISION
DIST.- BAKSHA

6:THE DISTRICT COMMISSIONER
BAKSA
DIST.- BAKSA
ASSAM

7:THE BODOLAND TERRITORIAL COUNCIL (BTC)
REPRESENTED HEREIN BY ITS PRINCIPAL SECRETARY
KOKRAJHAR
DIST.- KOKRAJHAR
ASSA

For the Petitioner(s)	: Mr. S. Borthakur, Advocate : Mr. D. Gogoi, Advocate
For the Respondent(s)	: Mr. B. Choudhury, Standing Counsel : Mr. N. Goswami, Govt. Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 19.08.2024

Heard Mr. S. Borthakur, the learned counsel appearing on behalf of the Petitioners and Mr. B. Choudhury, the learned Standing counsel appearing on behalf of the Respondent Nos. 1, 2, 3, 4, 5 and 7. I have also heard Mr. N. Goswami, the learned Government Advocate appearing on behalf of the Respondent No.6.

2. The instant writ petition has been filed by the Petitioners apprehending that the Respondent Authorities have surveyed their plot of land and put certain marks and they would be taking over the said land without following the due process.

3. Mr. B. Choudhury, the learned Standing counsel appearing on behalf of the Respondent Nos. 1, 2, 3, 4, 5 and 7 submits that the Respondents shall take action only after following due process.

4. Taking into account the above, the apprehension of the petitioner is totally misconceived for which the instant writ petition stands dismissed.

5. It is made clear that the Petitioners would be at liberty to again approach this Court if the Respondent Authorities take any action without following due process.

JUDGE

Comparing Assistant