

GAHC010175962016



2024:GAU-AS:12389

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

Case No. : WP(C)/7525/2016

M/S. BHAGAWAN MET PVT. LTD. and ANR.
REGISTERED OFFICE AT 105, B.R. TOWER, 21 JANA PATH LANE, ULUBARI,
P.O. GUWAHATI - 781007, DIST. KAMRUP M, ASSAM, REP. BY ONE OF ITS
DIRECTORS SRI BINOD KEYAL, SON OF SRI SRI LAL KEYAL.

2: SRI BINOD KEYAL
S/O LT. S.L. KEYAL R/O KESHAV KUNJ
SONI RAM BORA ROAD
ULUBARI
P.O. GUWAHATI - 781007
DIST. KAMRUP M
ASSAM

VERSUS

THE ASSAM POWER DISTRIBUTION CO. LTD and 3 ORS.
REP. BY ITS CHIEF GENERAL MANAGER, BIJULEE BHAWAN, PALTAN
BAZAR, P.O. GUWAHATI - 781001, DIST. KAMRUP METRO, ASSAM.

2:THE CHIEF ENGINEER DISTRIBUTION

LOWER ASSAM POWER DISTRIBUTION COMPANY LIMITED
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001.

3:THE SUB-DIVISIONAL OFFICER

SONAPUR SUB-DIVISIONAL OFFICE
SONAPUR
ASSAM.

4:THE FREDER MAINTENANCE ENGINEER

SONAPUR ELECTRICAL SUB-DIVISION
APDCL LAR
SONAPUR
ASSAM

Advocate for the Petitioner : MR.P K PODDAR, MS.P SARMA ,MR.S KHAN,MR.O P BHATI,MR.T C DAS

Advocate for the Respondent : MR. K. GOGOI, SR GA,ASSAM, ,,SC, APDCL,

BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA

ORDER

09.12.2024

1. Heard Mr. P. Sarma, learned counsel for the petitioners. Also heard Mr. B. Choudhury, learned counsel appearing for the APDCL and Mr. K. Gogoi, learned counsel for the respondent no.3.
2. The petitioners' case is that electric polls have been erected on the land of the petitioners without paying any compensation to the petitioners.
3. The affidavit of the APDCL, on the other hand is to the effect that a Field Survey was conducted through the Sub-Divisional Engineer, Sonapur ESD, APDCL and it was found that the electric polls have been installed pursuant to a scheme in the year 2016, on the edge of a clearly demarcated concrete road leading to Dhantola village and Dhantola Jagannath Mandir and not on the land of the petitioners.
4. Mr. K. Gogoi, learned counsel for the respondent no.3 has submitted letter

dated 05.12.2024 issued by the Circle Officer, Sonapur Revenue Circle, which is to the effect that the claim of the petitioners pertains to land under Village-Amerigog, Non-K Mouza, Panbari under Sonapur Revenue Circle, which is a Non-Cadastral Village. Thus without the making of any map due to Village-Amerigog, Non-K Mouza being a Non-Cadastral Village, the proper location of the specific Dag Number of the petitioners could not be ascertained.

5. The letter dated 05.12.2024 issued by the Circle Officer, Sonapur Revenue Circle is made a part of the record and marked as Annexure-X.

6. The stand taken by the various parties in the present writ petition shows that there are disputed questions of fact, which requires evidence to be recorded. Accordingly, this Court is of the view that the petitioners would have to approach the appropriate Civil Court for redressal of their grievance, due to there being disputed questions of fact.

7. The writ petition is accordingly dismissed, with liberty being given to the petitioners to approach the appropriate Civil Court with their grievance, as per law.

JUDGE

Comparing Assistant