

GAHC010176852015



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

Case No. : WP(C)/3564/2015

PADUM KUMAR SAIKIA
S/O LT. SHIVA RAM SAIKIA R/O NORTH GUWAHATI, MADGAON P.S. NORTH
GUWAHATI DIST.KAMRUP R, ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
IN THE LAND REVENUE DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON.

3:CIRCLE OFFICER
NORTH GUWAHATI REVENUE CIRCLE
NORTH GUWAHATI
ASSAM.

4:SETTLEMENT OFFICER
KAMRUP R
AMINGAON.

5:JIKA ASSISTED GWSP
REP. BY- PROJECT DIRECTOR
PROJECT IMPLEMENTATION UNIT JIKA ASSISTED WATER SUPPLY
PROJECT SAIKIA COMMERCIAL COMPLEX
CHRISTIAN BASTI
G.S. ROAD
GUWAHATI
ASSAM

Advocate for the Petitioner : MS.T SOM

Advocate for the Respondent : GA, ASSAMR1-4

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

08.01.2024.

None appears on behalf of the petitioner on call.

(2) I have heard Mr. S. Baruah, learned Government Advocate appearing on behalf of the State respondents.

(3) The petitioner herein has filed the instant Writ Petition seeking appropriate direction upon the respondent authorities not to dispossess the petitioner from a plot of land measuring 1 Bigha 2 Kathas covered Lakhiraj Patta No.1, Dag No.338 (Old)/357 (New) of Village North Guwahati under Mouza Sila Sendurighopa in the District of Kamrup (Rural), Assam and further for an appropriate direction upon the respondents to make suitable compensation to the petitioner in case the petitioner is dispossessed from the said plot of land.

(4) The record reveals that the petitioner had enclosed the photo copy of the Deed of Sale at Annexure-I to the Writ Petition. However, the said Deed of Sale is not legible and the translated copy of the same does not bear any Dag Number nor the Patta Number. Be that as it may there is an additional affidavit so filed, wherein a better copy of the Deed of Sale dated 19.05.1975 has been enclosed as Annexure-A. From a perusal of the said Deed of Sale, it reveals that the land belongs to North Guwahati Ashwaktanta Devalaya and under such circumstances, it is not known under what basis the said Deed of Sale was made by certain persons in favour of the petitioner.

(5) This Court have also duly taken note of the affidavit-in-opposition filed by

the respondent No.5, wherein it has been mentioned categorically that the land in question was a Debottar Land belonging to Shri Shri Ashwaktanta Devalaya Trust and Sri Gobinda Chandra Sarmah in the capacity of the Doloi/President and Sri Bipul Sarma, the Government Nominee of the Shri Shri Ashwaktanta Devalaya Trust, in its meeting with the Guwahati Metropolitan Development Authority (in short 'the GMDA') had adopted a resolution dated 12.08.2010 and agreed to hand over a plot of land measuring 2.78 hectares (20.08 Bighas), covered by Dag No.357 of village Uttar Guwahati Town, Mouza Silasundarighopa in the District of Kamrup (Rural) to GMDA for the purpose of the Water Supply Project under the assistance of the Japan International Cooperation Agency (in short 'the JICA') and a special Power of Attorney dated 11.08.2014 was executed to authorize the Project Director of JICA assisted GWSP to take over the land from the said Trust. It was further mentioned that the petitioner had no right over the said land as the Debottar Land could not have been acquired and sold by late Mahat Ram Saikia and his legal heirs.

(6) Taking into account above, this Court is of the considered opinion that the petitioner have not been able to make out any case for the purpose of issuance of a Writ in the present proceeding. Accordingly the Writ Petition is devoid of merit for which the same stands dismissed. Interim order, if any, stands vacated.

JUDGE

Comparing Assistant