

GAHC010203322024



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

Case No. : WP(C)/5135/2024

GOPAL CHANDRA BHATTACHARJEE AND ANR
SON OF LATE GIRIJA NATH BHATTACHARJEE,
RESIDENT OF SARADAMANI LANE, COLLEGE ROAD,
AMBICAPUR PART-1, SILCHAR TOWN,
P.O.- SILCHAR, DIST.- CACHAR, ASSAM,
PIN- 788004.

2: PARASHANTO KUMAR KAR
S/O- PARITOSH KAR

PRESENTLY RESIDING AT VIVEKANANDA ROAD

SILCHAR TOWN
PO- SILCHAR
DIST.- CACHAR

ASSAM
PIN- 788007

VERSUS

STATE OF ASSAM AND 3 ORS
REPRESENTED BY ITS SECRETARY TO THE GOVERNMENT OF ASSAM,
DEPARTMENT OF REVENUE, DISPUR, GUWAHATI-6.

2:COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF ASSAM
DEPARTMENT OF PWD (ROAD)
DISPUR
GUWAHATI-6.

3:DEPUTY COMMISSIONER
CACHAR
AT SILCHAR
PIN- 788001.

4:EXECUTIVE ENGINEER PWD
SILCHAR AND UDHARBOND TERRITORIAL ROAD DIVISION
SILCHAR- 788001

Advocate for the petitioner(s): Mr. SK Ghosh

Advocate for the respondent(s): Ms. M Das

For PWD

Ms. G Hazarika

For Revenue Department

Ms. S Konwar

Government Advocate, Assam

B E F O R E

HON'BLE MR. JUSTICE DEVASHIS BARUAH

ORDER

03.10.2024

Heard Mr. S. K. Ghosh, the learned counsel appearing on behalf of the Petitioners and Ms. G. Hazarika, the learned Government Advocate appearing on behalf of the Respondent No.1. I have also heard Mr. B. Choudhury, the learned Standing counsel appearing on behalf of the Respondent Nos. 2 and 4 and Ms. S Konwar, the learned Government Advocate appearing on behalf of the Respondent No.3.

2. The Petitioners herein claims to be the owner and possessor of a plot of land measuring 2 Kathas 4 Chataks 5 Gondas covered by Dag Nos.611and 612 included in 2nd R.S. Patta No.198 and 188 of Pargona Barakpar, Mouza Tarapur Part-VIII on the basis of purchase.

3. It is the case of the Petitioners that the Respondent Authorities without carrying out any demarcation have taken steps for widening of the Vivekananda Road and thereby trying to encroach upon the patta lands of the petitioners in the name of widening of Vivekananda Road, Silchar that too without following the due procedure of law regarding acquisition and requisition of the patta land.

4. This Court duly takes note of that a similar issue has cropped up before this Court in WP(C) No.3504/2024 and an order was passed on 05.08.2024 itself after taking due note of the instructions produced by the Additional District Commissioner, Silchar dated 03.08.2024. In the said instructions, the contents of which is duly reflected in the order dated 05.08.2024 passed in the said writ petition. It has been mentioned that the construction work for the drain was undertaken after proper demarcation by the L.R. staff of the Office of Assistant Settlement Officer, Sadar Circle, Silchar and with the support of the local committee of the area. It is also mentioned that due demarcation was carried out prior to initiation of action for widening of the Vivekananda Road and the Assistant Settlement Officer had demarcated and ascertained the Government Khas land pertaining to 2nd R.S. Government Khas Dag No.3321, 3322, 3323, 4279, 4280 and 4281.

5. In that view of the matter, this Court while passing the order dated 05.08.2024 did not find any good ground for entertaining the writ petition which was filed. However, it was observed that in the circumstance, any of the land of the petitioners therein were taken, the said petitioners would be at liberty to approach the concerned authority and in that regard the concerned authority shall duly take appropriate steps for redressal of the grievance.

6. As the facts of the instant writ petition are similar to the facts which arose for consideration before this Court in WP(C) No.3504/2024 and there has been nothing shown by the learned counsel for the petitioners that to distinguish the facts of the instant case with the said writ petition which have already been disposed of on 05.08.2024, this Court is also of the opinion that the instant writ petition cannot be entertained in the present facts. This Court however observes that in the circumstance the land of the petitioners is taken by the respondent authorities, the petitioners would always be at liberty to approach the concerned authority and in that regard the concerned authority shall duly take appropriate steps for redressal of the grievances of the petitioners.

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

JUDGE

Comparing Assistant