

GAHC010241812022



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

Case No. : WP(C)/7861/2022

THE NORTH EAST FRONTIER RAILWAY AND 2 ORS
REPRESENTED BY THE GENERAL MANAGER, MALIGAON, GUWAHATI,
ASSAM-781011

2: THE DIVISIONAL RAILWAY MANAGER
NORTH EAST FRONTIER RAILWAY
TINSUKIA
ASSAM

3: THE DIVISIONAL ENGINEER-I CUM ESTATE OFFICER OF JORHAT AND
SIVASGAR DISTRICT
NORTH EAST FRONTIER RAILWAY
TINSUKIA
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, DISPUR, GUWAHATI, ASSAM, PIN-781006

2: THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF
ASSAM
HOME AND POLITICAL DEPARTMENT
DISPUR
GUWAHATI
ASSAM
PIN-781006

3: THE DEPUTY COMMISSIONER-CUM-DISTRICT MAGISTRATE
JORHAT DISTRICT
JORHAT
ASSAM

4:THE DEPUTY COMMISSIONER -CUM- DISTRICT MAGISTRATE
SIVASAGAR DISTRICT
SIVASAGAR
ASSA

Advocate for the Petitioner(s) : Ms. B. Sarma (Standing Counsel, North East Frontier Railway)

Advocate for the respondent(s): Mr. H. Sarma

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 06.08.2024

Heard Ms. B. Sharma the learned Standing Counsel, North East Frontier Railway, appearing on behalf of the petitioners. Mr. H. Sarma, the learned counsel appears on behalf of the respondent Nos. 1, 2, 3 & 4.

2. The petitioners in the instant writ petition are aggrieved by the inaction on the part of the respondent authorities, more particularly, the District Administrations of Sivasagar and Jorhat to co-operate with the petitioners and provide necessary assistance in evicting the unauthorized occupants/encroachers from the railway land.

3. Ms. B. Sarma, the learned Standing Counsel, North East Frontier Railway, appearing on behalf of the petitioners submitted that the railway lands being public premises, the District Administration is required to provide the necessary help, else the provisions of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 would become redundant. She further submitted that the District Administration has the man power and the resources so that the said provisions of the said Act, 1971 can be given due affect.

4. Mr. H. Sarma, the learned counsel appearing on behalf of the respondent authorities submits that the respondent authorities are not adverse to providing the necessary co-operation with the petitioners while exercising its jurisdiction under the Act of 1971. However, in the instant case, in view of the certain interim orders being passed, the respondent authorities were not in a position to provide the resources and the man power.

5. At this stage this Court finds it very pertinent to observe that vide an order dated 06.08.2024, this Court has already disposed of the various writ petition wherein interim orders passed thereon have been vacated. A liberty of 10 (ten) days time and notices to file their objections in to the notices issued under Section 4 of the Act of 1971.

6. This Court has also taken note of the provisions of the Act of 1971, which duly

empowers the Estate Officer of the petitioners to initiate action for eviction of unauthorized occupants as in regard to properties which come within the ambit of 'public premises' as per the Act of 1971. This Court also is of the opinion that as the District Administrations of Sivsagar and Jorhat has the man power and resources and if the said authorities do not provide the necessary co-operation, the provisions of the Act of 1971 would become redundant.

7. Under such circumstances, this Court disposes of the instant writ petition thereby directing the District Administration of Sivasagar and Jorhat to co-operate with the North-East Frontier Railway upon action being taken in accordance with the provisions of the Act of 1971.

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

JUDGE

Comparing Assistant