

GAHC010273482024



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

Case No. : WP(C)/6978/2024

GITA RANI DEY AND 4 ORS
W/O LATE BADAL CHANDRA DEY
R/O KATHAL ROAD,
P.O. BHAKATPUR
P.S. SILCHAR,
DIST. CACHAR, ASSAM

2: BAHAR UDDIN BARBHUIYA
S/O AZIR UDDIN BARBHUIYA
R/O KATHAL ROAD

P.O. BHAKATPUR
P.S. SILCHAR

DIST. CACHAR
ASSAM

3: AJMAL HUSSAIN CHOUDHURY
S/O LATE ALA UDDIN CHOUDHURY
R/O KATHAL ROAD

P.O. BHAKATPUR
P.S. SILCHAR

DIST. CACHAR
ASSAM

4: BADRUL HUSSAIN LASKAR
S/O LATE KAMAL UDDIN LASKAR
R/O KATHAL ROAD

P.O. BHAKATPUR
P.S. SILCHAR

DIST. CACHAR
ASSAM

5: NILUTPOL DEY
S/OLATE NISHIT RANJAN DEY
R/O KATHAL ROAD

P.O. BHAKATPUR
P.S. SILCHAR

DIST. CACHAR
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT, DISPUR,
GUWAHATI-06.

2:TEH COMMISSIONER AND SPECIAL SECRETARY TO THE GOVT. OF
ASSAM

PUBLIC WORKS (ROAD) DEPARTMENT

DISPUR
GUWAHATI-06.

3:THE DISTRICT COMMISSIONER

CACHAR
ASSAM

PIN-788001.

4:THE CIRCLE OFFICER

SILCHAR REVENUE CIRCLE
SILCHAR
CACHAR
ASSAM
PIN-788001

5:THE EXECUTIVE ENGINEER

PWD (ROADS) CACHAR
ASSAM
PIN-78800

Advocate for the Petitioner : MR H R A CHOUDHURY, B DAS,MR. A M AHMED

Advocate for the Respondent : SC, REVENUE, SC, PWD,GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

20.12.2024

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Heard Mr. H.R.A. Choudhury, learned Senior Counsel assisted by Mr. A.M. Ahmed, learned counsel for the petitioner. Also heard Mr. P. Nayak, learned Standing Counsel for the PWD.

The petitioner claimed to be the owner of patta land by the side of the Silchar Kathal Road at the outskirts of Silchar Town which connects the Silchar Town to the National Highway Bypass in the District of Silchar. Pursuant to the project undertaken by the PWD, the PWD is proposing to construct the drain-cum-footpath on the roadside land.

The grievance of the petitioners is that the construction is being carried out on portions of land which are over the patta land belonging to the petitioners. Under such circumstances, as per the provision of law the land ought to have been acquired under the provisions of the Rehabilitation and Re-settlement and Acquisition of land under 2013 Act and due compensation ought to have been paid. However, the respondents have not acceded to the request made by the petitioners and have proceeded for construction on the said land.

The learned counsel for the petitioners has referred to an order of the Co-ordinate Bench Dated 27.09.2024 passed in WP(C) No. 3669 of 2024, whereby other petitioners in the nearby area approached this Court and the writ petition filed by them came to be disposed of with direction that the land Revenue Officials

to measure and demarcate the land claimed to be belonging to the petitioners therein and thereafter the construction should proceed.

The learned Senior Counsel submits that similar order was passed in the present matter also.

The learned counsel appearing for the respondents does not object to the submissions by the learned Senior Counsel for the petitioner.

Accordingly, this writ petition stands disposed of directing the respondent District Commissioner, Cachar to depute the land Revenue Officials and thereafter steps for demarcation being carried out in the presence of the writ petitioners and the other officials to verify whether the propose drain-cum-footpath while being constructed has passed over the patta land of the writ petitioners.

If such construction is carried over in the same land then proper steps be taken for acquisition on the said portion of land and for paying the compensation accordingly.

The entire exercise will be carried on within 15 days from the date of receipt of certified copy of this order to be served by the writ petitioners.

With the above observations the writ petition is stands disposed of.

The construction of the drain shall proceed after the demarcation as ordered.

JUDGE

Comparing Assistant