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2026:GAU-AS:10623

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

Case No. : WP(C)/6251/2022

SUDAMA DEVI
D/O LT. NAMU RAY, W/O SIPAHI RAI, R/O NSCB ROAD, KUMARPARA
FATASIL GUWAHATI-781019 DIST. KAMRUP (M) ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM GUWAHATI
DEVELOPMENT DEPTT DISPUR GUWAHATI-781006

2:THE GUWAHATI MUNICIPAL CORPORATION
REP. BY THE COMMISSIONER OF GUWAHATI MUNICIPAL CORPORATION
PANBAZAR
GUWAHATI-781001

3:THE ENFORCEMENT INSPECTOR
GUWAHATI MUNICIPAL CORPORATION ENFORCEMENT BRANCH
H.B. ROAD PANBAZAR GUWAHATI-781001

4:THE COMMISSIONER OF POLICE
GUWAHATI
GUWAHATI POLICE COMMISSIONERATE PANBAZAR
GUWAHATI-781001

5:THE OFFICER IN CHARGE
BHARALUMUKH POLICE.STATION. GUWAHATI-781009

6:ANIL JAIN
S/O LT. HUKUM CHAND JAIN
R/O RAILWAY GATE NO. 4 MS ROAD FANCY BAZAR
GUWAHATI-781001 DIST. KAMRUP (M) ASSAM AND ALSO NSCB ROAD
KUMARPARA FATASIL GUWAHATI-781019 DIST. KAMRUP (M) ASSA

For the Petitioner(s) : Mr. A. Das, Advocate

For the Respondent(s) : Mr. P. Nayak, Addl. A.G.
Mr. N. Das, Govt. Advocate
Mr. P.P. Medhi, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 31.07.2026

Heard Mr. A. Das, the learned counsel appearing on behalf of the petitioner. Mr. P. Nayak, the learned Additional Advocate General as well as the Standing Counsel for the GMC appears on behalf of the respondent Nos. 1 to 3; Mr. N. Das, the learned Government Advocate appears on behalf of the respondent Nos. 4 and 5; and Mr. P.P. Medhi, the learned counsel appears on behalf of respondent No. 6.

2. The present writ petition has been filed by the petitioner challenging the actions on the part of the respondent authorities in evicting the petitioner in concert and collusion with the respondent No. 6 despite there being an order dated 25.04.2022 passed in WP(C) No. 2677/2022.

3. It is an admitted fact that the land from which the petitioner was evicted belonged to the respondent No. 6, and it is the

stand of the respondent No. 6 in the affidavit that, pursuant to the eviction of the petitioner, the respondent No. 6 took over possession and sold the same to a third party. During the course of the hearing, the name and address of the third party was disclosed as Mr. Rahul Lohia of 9, NS Road, Fatasil, Bharalumukh, Kamrup (M).

4. In the backdrop of the above, if this Court duly takes note of the reliefs which have been sought, it is the opinion of this Court that as the land in question admittedly belonged to the respondent No. 6 and the respondent No. 6 had thereupon sold the said land and handed over possession to Mr. Rahul Lohia, it is the opinion of this Court that no directions can be issued upon the Respondent Authorities to restore possession of the land to the petitioner.

5. This Court also finds it relevant to take note of that the petitioner has also sought compensation for evicting the petitioner without following due process. For the purpose of adjudicating as to how much compensation, or for that matter, whether any compensation is payable by any person, it is the opinion of this Court that such questions of fact have to be adjudicated in a forum wherein evidence can be adduced and not in a proceeding under Article 226 of the Constitution.

6. Under such circumstances, this Court, therefore, is not inclined to entertain the instant writ petition, for which, the writ petition stands dismissed.

7. Be that as it may, it is observed that the dismissal of the instant writ petition shall neither preclude nor prejudice the petitioner from approaching the competent Civil Court, raising all the claims which have been raised in the instant writ petition.

JUDGE

Comparing Assistant