GAHC010205362021

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

Case No. : I.A.(Civil)/2295/2021

SABITRI SAIKIA
W/O MOHAN CH. SAIKIA R/O KOCH GAON, WARD NO. 2, KANAKLATA PATH, P.S. BISWANATH CHARIALI DIST. BISWANATH, ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REP. BY THE CHIEF SECRETARY, GOVT. OF ASSAM, DISPUR, GUWAHATI-6.

2:SUB DIVISIONAL OFFICER (CIVIL)
BISWANATH SUB-DIVISION
BISWANATH CHARIALI
ASSAM

Advocate for the Petitioner : MR. A K SHARMA,

Advocate for the Respondent : GA, ASSAM,

Linked Case : WP(C)/2399/2016

SABITRI SAIKIA
W/O MOHAN CH. SAIKIA R/O KOCH GAON
WARD NO. 2
KANAKLATA PATH
P.S. BISWANATH CHARIALI DIST. BISWANATH
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GUWAHATI-6.

2:SUB DIVISIONAL OFFICER CIVIL
BISWANATH SUB-DIVISION
BISWANATH CHARIALI
ASSAM.

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

For the Respondent(s) : Mr. J. Handique, Government Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.06.2026

Heard Mr. A. K. Sharma, the learned counsel appearing on behalf of the Petitioner and Mr. J. Handique, the learned Government Advocate appearing on behalf of the Respondent Nos. 1 and 2.

2. The Petitioner herein who is the owner of a RCC building situated at Koch Gaon, Kanaklata Path, Ward No.2 P.O & P.S. Biswanath Chariali in the District of Biswanath Chariali is aggrieved by the actions on the part of the Respondent Authorities in sealing the very building thereby violating the Petitioner's rights under Article 300A of the Constitution. It is

under such circumstances, the instant writ petition was filed in the year 2016 seeking a direction from this Court upon the Respondent Authorities to release the seized building in favour of the Petitioner.

3. The records further reveal that the Petitioner had filed an Interlocutory Application before this Court on 23.11.2021 and sought for compensation to the tune of Rs.30,00,000/- for being deprived of the use of the building.

4. It has been also brought to the attention of this Court that in the meantime, on 26.09.2024, the possession of the building had been handed over back to the Petitioner. Under such circumstances, the writ petition which was filed had already become infructuous.

5. Now the question arises as to whether the Petitioner is entitled to the compensation as claimed in the Interlocutory Application.

6. It is the opinion of this Court that what would be the compensation payable to the Petitioner is a question of fact which has to be proved by the Petitioner by way of adducing evidence. Under such circumstances, this Court cannot decide the aspect pertaining to the compensation which is being pleaded in the Interlocutory Application.

7. This Court also takes note of that the possession of the building was handed over back to the Petitioner only on 26.09.2024 and the entire period from the date on which the building was seized till the building was handed over to the Petitioner would be a continuing wrong if the Petitioner can prove that there was a violation to Article 300A of the Constitution.

8. Under such circumstances, it is also the opinion of this Court that the Petitioner would be entitled to the period during which the present proceedings have been pending insofar as the question of limitation is concerned.

9. Considering the above, the instant writ petition as well as the Interlocutory Application stands disposed of with the following observations and directions:

(i) The instant writ petition has become infructuous in view of the fact that the possession of the building in question was handed over back to the Petitioner on 26.09.2024.

(ii) As regards the claim of the Petitioner for compensation, the Petitioner is granted the liberty to approach the competent Court of Civil Jurisdiction.

(iii) Further to that, as the Petitioner has been bona fidely pursuing the instant proceedings since the date of filing of the

writ petition i.e. 05.04.2016 till date, the Petitioner would be entitled to benefit under Section 14 of the Limitation Act, 1963 and the entire period from 05.04.2016 till date be excluded while computing the period of limitation in filing any suit seeking for compensation, if permissible under law.

JUDGE

Comparing Assistant