GAHC010006542026

2026:GAU-AS:17449

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

Case No. : WP(C)/237/2026

FAKAR UDDIN
SON OF LATE ABDUL KHALIQUE, RESIDENT OF- VILLAGE MOUZKHORNI, P.O. JADUTILLA, P.S. KARIMGANJ, DISTRICT-SRIBHUMI, ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REPRESENTED BY THE COMMISSIONER AND SPECIAL SECRETARY TO THE GOVERNMENT OF ASSAM, PWD (ROADS), DISPUR, GUWAHATI - 781006.

2:THE ADDL CHIEF ENGINEER

BARAK VALLEY
SILCHAR
ASSAM.

3:THE EXECUTIVE ENGINEER

PWD ROADS
SRIBHUMI DIVISION
SUBHASH NAGAR
SRIBHUMI
ASSAM

4:THE CIRCLE OFFICER

NILAMBAZAR
SRIBHUMI
ASSA

Advocate for the Petitioner : MR R SENSUA, MS. D SARMAH,MR. S M MUNIR,MR. K

MOHAMMED

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 25-11-2026

Heard Mr. K. Mohammed, learned counsel for the petitioner; Mr. R. Sahinii, learned counsel on behalf of Mr. D. Nath, learned Senior Counsel, PWD for the respondent nos. 1, 2 & 3; and Mr. S.S. Roy, learned Junior Government Advocate, Assam for the respondent no. 4.

2. The petitioner has claimed that he is the owner of a parcel of land measuring 18 Kathas 12 Chataks, covered by Old Dag no. 79, Khatian no. 452, New Dag no. 78 & 94 within Patta no. 411, situate at Pargona – Egarosothi, Mouza – Routhgram Part-III, District – Sribhumi, Assam ['the subject-plot', for short]. He has further claimed that he is in possession of the subject-plot after the death of his father. The petitioner has approached this Court on the premise that the respondent authorities are taking steps for construction of a road within the subject-plot without carrying out any acquisition process.

3. Having regard to the projection so made, this Court while issuing notice to the respondents on 11.02.2026, also directed the respondent authorities, to place instructions whether any steps were being taken for the purpose of construction of road over the subject-plot. An interim order was also passed to the effect that the parties were to maintain status quo as regards the

possession of the subject-plot.

4. During the course of the proceeding, the respondent no. 3 has filed an affidavit-in-opposition on 27.07.2026. In the affidavit-in-opposition, it is averred that a road, 'MRL-20 Mauzkuri PWD Road to Chakirmukh via Jaurirkandi' with total length of 2.022 Km has been envisaged to provide connectivity to the habitations unconnected by any road. The afore-mentioned road is included in Core Network Connectivity plan list [CNCPL] of South Karimganj Block generated from Online Management, Monitoring and Accounting System [OMMAS]. A consultant was appointed on 10.06.2025 for preparation of the Detailed Project Report [DPR] for the road. It is stated that it was in connection with the preparation of the DPR, the consultant and the department officials visited the proposed site including the subject-plot on 05.07.2025 for a preliminary survey and discussion with the villagers of the unconnected habitations as per PMGSY-IV guidelines. It is further mentioned that only preliminary survey like marking of High Flood Level [HFL] was done but no digging/excavation of road was done, as alleged by the petitioner. It is further mentioned that as per PMGSY-IV guidelines, no land is to be acquired for the road. The land required for the road is to be donated by the villagers to be benefitted, in case connectivity to unconnected habitations is provided. It is further mentioned that the road will be constructed only when the land of Right of Way for construction of road is voluntarily donated by the villagers.

5. As the road in question is to be constructed only on the parcels of land voluntarily donated by the land owners in terms of PMGSY-IV guidelines and as on date, the inclusion of the subject-plot is not contemplated for the

construction of the road in question, there exists no cause of action for the petitioner to pursue this writ petition further.

6. Therefore, the writ petition is closed. Liberty, however, stands reserved to the petitioner to seek appropriate as permissible under the law in the event any cause of action arises in relation to the subject-plot in future.

JUDGE

Comparing Assistant