

GAHC010003152025



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

Case No. : WP(C)/107/2025

JIYAU PASA
R/O- HOUSE NO. 12 (D), P.O. AND P.S. NALBARI, NALBARI TOWN,
NALBARI-781046.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, PWD DEPARTMENT, ASSAM SACHIVALAYA, DISPUR,
GUWAHATI-06.

2:THE SECRETARY
GOVERNMENT OF ASSAM

DEPARTMENT OF PWD (ROADS)
DISPUR
GUWAHATI-781006.

3:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM
CHANDMARI
GUWAHATI-781003.

4:THE EXECUTIVE ENGINEER
PWD
GOVERNMENT OF ASSAM
PUBLIC WORKS (ROADS) DEPARTMENT
MUSHALPUR PWD (R AND B) DIVISION
MUSHALPUR
BAKSA
PIN- 781372.

5:THE DIVISIONAL FOREST OFFICER
BAKSA FOREST DIVISION
MUSHALPUR
ASSAM
BAKSA
PIN- 781372.

6:THE PRINCIPAL SECRETARY TO THE GOVT. OF ASSAM
DEPARTMENT OF FINANCE
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-6.

7:THE FINANCE COMMISSIONER
FINANCE DEPARTMENT
GOVT. OF ASSAM
ASSAM SACHIVALAYA
DISPUR
GUWAHATI-6

For the Petitioner(s) : Mr. N. Barman, Advocate

For the Respondent(s) : Mr. B. Gogoi, Standing Counsel
Mr. D. Gogoi, Standing Counsel

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 10.01.2025

Issue notice making it returnable on 26.03.2025.

2. Mr. B. Gogoi, the learned Standing Counsel appears on behalf of the respondent Nos. 1, 2, 3, 4, 6 & 7 and Mr. D. Gogoi, the learned Standing Counsel appears on behalf of the respondent No. 5 and accepts notice.

3. Taking into account that all the respondents are duly represented, extra copies of the writ petition be served upon them on or before

20.01.2025.

4. The case of the petitioner herein is that the petitioner is entitled to the refund of the entire forest royalty so deposited as well as deducted from the petitioner by the PWD (R) Authorities. It is the case of the petitioner that the petitioner had purchased the land from other sources and as such, the question of imposition of forest royalty upon the petitioner does not arise. It is under such circumstances, the petitioner has sought for a direction for release of an amount of Rs.16,98,610/- (Rupees Sixteen Lakh Ninety Eight Thousand Six Hundred Ten).

5. The respondents are directed to bring on record their stand by filing the affidavit on or before the next date.

6. List accordingly.

JUDGE

Comparing Assistant