

GAHC010014932025



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

**Case No. : WP(C)/373/2025**

GOBINDA CHANDRA PAUL  
D/O BRINDABAN CHANDRA PAUL R/O VILL-PAIKAN P.O.-PAIKAN P.S AND  
DIST.-HAILAKANDI, ASSAM, PIN 784155

VERSUS

THE STATE OF ASSAM AND 28 ORS.  
TO BE REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, PUBLIC WORKS (ROADS) DEPARTMENT  
(PWRD) , DISPUR, GUWAHATI, 7810061

2:THE SECRETARY  
DEPARTMENT OF REVENUE AND DISASTER MANAGEMENT  
GOVERNMENT OF ASSAM  
DISPUR  
GUWAHATI-06

3:THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC ASSAM  
OFFICE OF THE DIRECTOR OF LAND RECORDS AND SURVEYS ETC.  
ASSAM RUPNAGAR  
GUWAHATI-32

4:THE CHIEF ENGINEER  
PWD(EAP)  
PWRD  
ASSAM  
OFFICE OF THE CHIEF ENGINEER  
PWD(EAP)  
FATASIL AMBARI  
GUWAHATI  
781025

5:THE DISTRICT COMMISSIONER  
HAILAKANDI

OFFICE OF THE DISTRICT COMMISSIONER  
HAILAKANDI  
788155.

6:THE CHAIRMAN  
DISTRICT LEVEL LAND PURCHASE COMMITTEE (DLLPC)  
HAILAKANDI  
788155.

7:THE ADDITIONAL DISTRICT COMMISSIONER  
HAILAKANDI  
IN-CHARGE  
LAND ACQUISITION BRANCH

OFFICE OF THE DISTRICT COMMISSIONER  
HAILAKANDI  
788155.

8:JALAL UDDIN CHOUDHURY  
S/O- LATE ABDUL MAZID CHOUDHURY  
VILL- RANGAUTI PT-I  
P.O.- PAIKAN  
P.S. AND DIST.- HAILAKANDI.

9:RANJIT DAS  
S/O- LATE HIRENDRA DAS  
VILL. AND P.O.- PAIKAN  
P.S. AND DIST.- HAILAKANDI.

10:RADHA MONI DAS  
W/O- LATE HIRENDRA DAS  
VILL. AND P.O.- PAIKAN  
P.S. AND DIST.- HAILAKANDI.

11:DHONI RAM DAS  
S/O- GOGEN RAM DAS  
VILL. AND P.O.- PAIKAN  
P.S. AND DIST.- HAILAKANDI.

12:SUNIL DEB  
S/O- LATE ABHOY CHARAN DEB  
VILL. AND P.O.- PAIKAN  
P.S. AND DIST.- HAILAKANDI  
788155.

13:KANTA DEB  
S/O- ABHOY CHARAN DEB  
VILLAGE AND POST OFFICE- PAIKAN

POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

14:SAMARJIT DAS  
S/O- LATE KUTI RAM DAS  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

15:PRADIP SABDAKAR  
S/O- LATE HARINDRA SABDAKAR  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

16:KUNTAK BISWAS @ TOGAR  
S/O- LATE KUMUD BISWAS  
VILL. AND P.O.- LALAMUKH TEA GARDEN  
P.S.- LALA  
DIST.- HAILAKANDI.

17:AROBINDA BISWAS @ MANIK BISWAS  
S/O- LATE KUMUD BISWAS  
VILL. AND P.O.- LALAMUKH TEA GARDEN  
P.S.- LALA  
DIST.- HAILAKANDI.

18:JAYA NOMOSUDRA  
W/O- SRI JAYANTA NAMASUDRA  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

19:BIJAY BUSHAN CHAKRABORTY  
S/O- LATE BIRENDRA KUMAR CHAKRABORTY  
R/O- HAILAKANDI TOWN  
W/NO.-VIII  
P.O.  
P.S. AND DIST.- HAILAKANDI.

20:BIPUL BUSHAN CHAKRABORTY  
S/O- LATE BIRENDRA KUMAR CHAKRABORTY  
R/O- HAILAKANDI TOWN  
W/NO.-VIII  
P.O.  
P.S. AND DIST.- HAILAKANDI.

21:DIPIKA BHATTACHARJEE

W/O- PROBIR BHATTACHARJEE  
R/O- HAILAKANDI TOWN W/NO. VIII  
P.O.- LAKSHMISAHAR  
P.S. AND DIST.- HAILAKANDI.

22:HIROK JYOTI CHAKRABORTY  
S/O- LATE HIRENDRA CHAKRABORTY  
R/O- HAILAKANDI TOWN W/NO. VIII  
P.O.  
P.S. AND DIST.- HAILAKANDI.

23:JOY DEB  
S/O- LATE BABULAL DEB  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

24:BIKTU DEB  
S/O- LATE BABULAL DEB  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

25:RUMON DEB  
S/O- LATE BABULAL DEB  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

26:UMON DEB  
S/O- LATE BABULAL DEB  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

27:DIPIKA DEB  
S/O- LATE BABULAL DEB  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

28:PALTU DAS  
S/O- LATE SURENDRA DAS  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
788155.

29:SWAPAN DAS

S/O- LATE SUBODH DAS  
VILLAGE AND POST OFFICE- PAIKAN  
POLICE STATION AND DISTRICT- HAILAKANDI  
ASSAM

**Advocate for the Petitioner** : MR. A R BHUYAN, M ALI,MR N Z CHOUDHURY,MR N A MAZARBHUIYA

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

**BEFORE**  
**HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date : 27.01.2025**

Heard Mr. A.R. Bhuyan, learned counsel for the petitioner; Ms. S. Sarma, learned Standing Counsel, PWD for the respondent nos. 1 & 4; and Mr. J. Handique, learned Junior Government Advocate, Assam for the respondent nos. 2, 3, 4, 5 & 6.

2. The petitioner has claimed that he is the owner of a plot of land measuring 1 Bigha 9 Kathas 4 Chatak, covered by Dag no. 365 & Patta no. 47, situate at Village – Paikan, Mouza – Paikan, District – Hailakandi [‘the subject-plot’, for short]. The petitioner has stated that the subject-plot has been brought under an acquisition process initiated by the State respondents under the ‘Asom Mala’ project for improvement and upgradation of State Highways and major district roads. In the process of acquisition, the compensation amount has been assessed against the subject-plot and the respondent authorities are also in the process of disbursement of the compensation. It is stated by the petitioner that in so far as an area about 12 Kathas out of the subject-plot is concerned, there is a litigation in the form of a second appeal, RSA no. 249/2017, between the petitioner on one side and the private respondents on the other side and the same is pending.

3. Mr. Bhuyan, learned counsel for the petitioner has projected that since the issue regarding right, title and interest as regards the said area of land, measuring 12 Kathas is yet to be decided, there shall not be any disbursement of the compensation amount for the said

area of land, measuring 12 Kathas. It is submitted by him that the question in the second appeal is whether the private respondents had correctly projected themselves as the owner of the said area of about 12 Kathas out the subject-lot on the basis of an allegedly fraudulent sale deed. The State respondents are in the process of identifying the private respondents as persons to whom the compensation amount so assessed are to be disbursed.

4. Issue notice, returnable in 4 [four] weeks.

5. As Ms. Sarma has appeared and accepted notices on behalf of the respondent nos. 1 & 4 and Mr. Handique has appeared and accepted notices on behalf of the respondent nos. 2, 3, 4, 5 & 6, issuance of formal notice in respect of the said respondents stand dispensed with. The learned counsel for the petitioner shall serve requisite nos. of extra copies of the writ petition along with annexures, to Ms. Sarma and Mr. Handique within 2 [two] working days from today.

6. The petitioner shall take steps for service of notice upon the private respondents [the respondent nos. 7 to 29] by way of registered post with A/D within 2 [two] working days from today.

7. In view of the projections made regarding pendency of a second appeal, RSA no. 249/2017 with regard to right, title and interest in respect of 12 Kathas of land out of the subject-plot, it is provided, as an ad interim measure, that there shall not be any disbursement of the compensation amount in favour of the private respondents till the returnable date.

**JUDGE**

**Comparing Assistant**