

GAHC010016672026



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

Case No. : WP(C)/803/2026

SMTI MANOMATI BAROOAH AND ANR
WIFE OF LATE KAMALA KANTABAROOAH, RESIDENT OF GEETALIART
PRESS, SLUICE GATE, OPPOSITE DOWN TOWN HOSPITALBUS STOP, G.S.
ROAD, GUWAHATI -781022, IN THE DISTRICT OF KAMRUP METRO, ASSAM.

2: SMT. GEETALI BAROOAH BANERJEE

WIFE OF SRI ARUP KUMAR BANERJEE

RESIDENT OF GEETALI ART PRESS
SLUICE GATE
OPPOSITE DOWN TOWN HOSPITAL BUS STOP
G.S. ROAD
GUWAHATI-781022
IN THE DISTRICT OF KAMRUP (METRO)
ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS.
REPRESENTED BY THE CHIEF SECRETARY TO THE GOVERNMENT OF
ASSAM, HAVING HIS OFFICE AT ASSAM SECRETARIAT,
DISPUR, GUWAHATI, DISTRICT KAMRUP METRO, PIN CODE-
781006, ASSAM.

2: THE COMMISSIONER AND SECRETARY
GOVERNMENT OF ASSAM
PWD(R) DEPARTMENT
GOVT. OF ASSAM
SECRETARIATE
DISPUR
GUWAHATI-781006.

3: THE SECRETARY GOVT. OF ASSAM

PWD (R) DEPARTMENT
ASSAM SECRETARIATE
DISPUR
GUWAHATI-781006.

4:THE CHIEF ENGINEER
PWD (R) DEPARTMENT
CHANDMARI
GUWAHATI-781003.

5:THE EXECUTIVE ENGINEER

PWD (R) DEPARTMENT
DISPUR AND DIMORIA TERRITORIAL ROAD DIVISION
GUWAHATI-781021.

6:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
REVENUE
DISASTER MANAGEMENT (LR) DEPARTMENT
DISPUR
GUWAHATI-781006.

7:JOINT SECRETARY TO THE GOVT. OF ASSAM

REVENUE DISASTER MANAGEMENT (LR) DEPARTMENT
DISPUR
GUWAHATI-781006.

8:THE DISTRICT COMMISSIONER

KAMRUP (METRO)
(LAND ACQUISITION BRANCH)
GUWAHATI-781036.

9:THE CIRCLE OFFICER

DISPUR REVENUE CIRCLE
BELTOLA
GUWAHATI-781028

10:THE SUB-DIVISIONAL OFFICER (SADAR)

I/C LAND ACQUISITION BRANCH
KAMRUP (METRO)
GUWAHATI-78103

For the Petitioner(s) : Mr. H. Buragohain, Advocate

For the Respondent(s) : Mr. N. Goswami, Government Advocate
: Mr. B. Choudhury, Standing Counsel
: Ms. G. Hazarika, Standing Counsel

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 16.02.2026

Issue notice making it returnable on 23.02.2026.

2. Mr. N. Goswami, the learned Government Advocate accepts notice on behalf of the Respondent Nos. 1, 8, 9 and 10; Mr. B. Choudhury accepts notice on behalf of the Respondent Nos. 2, 3, 4 and 5 and Ms. G. Hazarika, the learned Standing counsel accepts notice on behalf of the Respondent Nos. 6 and 7.

3. As the Respondents are duly represented, extra copies of the writ petition be served upon them by 17.02.2026.

4. The case of the Petitioners herein is that an area admeasuring 4 Lechas of land belonging to the Petitioners have been requisitioned under the Assam Land (Requisition and Acquisition) Act, 1964 (for short 'the Act of 1964') without following the mandate in terms with Section 3(3) of the said Act of 1964.

5. Mr. H. Buragohain, the learned counsel appearing on behalf of the Petitioners drawing the attention of this Court to the various photographs enclosed to the writ petition submitted that the Petitioners could come to learn from reliable sources that the landing of the foot bridge which is proposed to be constructed would fall on the entrance of the Petitioners' land and thereby make it impossible for the Petitioners for ingress and egress to their own land. The learned counsel for the Petitioners further submitted that in that regard, a representation was submitted by the Petitioners on 14.08.2025 and the Sub-Divisional Officer (Sadar) has also written to the Executive Engineer, PWD(R) vide a communication dated 08.10.2025 to take into consideration the said representation before initiating any proposal. The learned counsel further submitted that in recent times, there has been a move to proceed with the land acquisition proceedings and that too in complete violation to Section 3(3) of the Act of 1964.

6. The learned counsel for the Petitioners therefore submitted that this is a fit case wherein certain interim directions are to be passed so that the Petitioners' ingress and egress to their premises is not disturbed.

7. Mr. B. Choudhury, the learned Standing counsel who appears on behalf of the PWD and Mr. N. Goswami, the learned

Government Advocate who appears on behalf of the District Administration shall obtain instructions and place it before this Court as regards the status of the Land Acquisition case being L.A. Case No.27/2025 and as to whether the Petitioners' ingress and egress would be affected if there is a construction of foot bridge.

8. The learned Standing counsel for the PWD shall also apprise this Court as to whether any decision was taken by the Respondent No.5 in pursuance to the communication dated 08.10.2025 issued by the Respondent No.10.

9. List accordingly.

JUDGE

Comparing Assistant