

GAHC010016962026



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

Case No. : CRP/6/2026

AMAR CHANDRA DUTTA
S/O LATE BIPIN DUTTA, R/O UJANI BHAKAT PAMUA GAON, VTC-
NOWSALIA GAON, P.O- SATRIAGAON, DISTRICT- JORHAT, ASSAM, PIN-
785616.

VERSUS

SMTI RUMI BORUAH BORA AND ANR
D/O LATE INDRESWAR BORUAH, R/O TARA JAN BAMUN GAON, P.S -
JORHAT, DISTRICT- JORHAT, ASSAM, PIN- 785001.

2:THE ADDITIONAL DISTRICT COMMISSIONER (LAND ACQUISITION)
JORHAT
ASSAM

Advocate for the Petitioner : MR B D DAS, MR J LOTHAN, MR. H R DAS, MR H K SARMA

Advocate for the Respondent : GA, ASSAM,

BEFORE
HONOURABLE MRS. JUSTICE SUSMITA PHUKAN KHAUND

ORDER

Date : 06.02.2026

Heard learned Senior Counsel Mr. B.D. Das assisted by learned counsel Mr. H.R. Das for the petitioner Amar Chandra Dutta, who is aggrieved by the

judgment dated 21.11.2025 passed by the learned Additional District Judge, Jorhat, in L.A. (REF) Case No. 07/2022 under Section 3H(4) of National Highways Act, 1956, denying entitlement of the petitioner for receiving compensation for acquisition of land ad measuring 16 Lechas out of 2 Kathas 17 Lechas covered by P.P. No. 45, Dag No. 809 of Pamuwa Bhakat Gaon of Khangia Mouza, Jorhat.

2. It is submitted by the petitioner that the learned Court has erred in law as under Section 3G of NH Act, 1956, an occupier of the land is also entitled to possession. It is submitted that the petitioner has claimed his right, title and interest over the land acquired by the National Highways Authority, on the basis of adverse possession by the petitioner which was in the knowledge of the respondent.

3. The respondent has raised serious objection during the release of fund and the petitioner is unable to obtain the compensation which was apportioned in favour of the petitioner. The respondent appeared and raised objection against release of funds stating that they are pattadars. A suit for decree by adverse possession is brought up by the petitioner.

4. It appears that operation of the impugned judgment and order may be stayed. Thereby, the operation of the impugned judgment and order dated 21.11.2025 passed by the learned Additional District Judge, Jorhat in LA (REF) Case No. 07/2022, is stayed till the next date fixed.

5. Ms. D.D. Barman, learned Additional Senior Government Advocate is present for State respondent.

6. Issue notice to respondent No. 1, returnable on 23.02.2026. Steps may be taken by the petitioner by speed post as well as by usual process.
7. Extra copies of the petition be furnished to the learned Additional Senior Government Advocate within three working days.
8. Meanwhile, call for the Trial Court Record.
9. List the matter on 23.02.2026.

JUDGE

Comparing Assistant