

GAHC010018672014



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

Case No. : Cont.Cas(C)/577/2014

SMTI MUNNI HARIJAN
W/O- LT. GOPAL BASPHOR, K.B. ROAD, GHY- 8, DIST.- KAMRUP ASSAM.

VERSUS

GYANENDRA DEV TRIPATHI and 2 ORS.
IAS, COMMISSIONER and SECY. TO THE GOVT. OF ASSAM, DEPTT. OF
REVENUE, DISPUR, GHY- 6.

2:DR. M. ANGAMUTHU
IAS
THE DY. COMMISSIONER
KAMRUP
GUWAHATI.

3:LAXMINANDAN SAHARIA
CIRCLE OFFICER
GUWAHATI REVENUE CIRCL

Advocate for the Petitioner : MR.S P CHOUDHURY,

Advocate for the Respondent : MR.M BHAGABATI, MR. S DUTTA (R-1),MR. R BORPUJARI (R-1),MR. D SAIKIA (R-1),MS.M HAZARIKA(R-2),MSG BORA,MS.B TALUKDAR,MS.H BUZAR BARUAH(R-2),MR D K ROY (R3),MR. T C CHUTIA (R3),MS. I KAKATI (R3),MS. N DAS (R3)

BEFORE

THE HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

Order

03.10.2024

1. Heard Mr. SP Choudhury, learned counsel for the petitioner.
2. Mr. D Saikia, learned Advocate General, Assam representing the respondent No. 1 and 3 on the last occasion referring to the affidavit filed submitted that the State is ready and willing to compensate the petitioner for demolition of the house during the pendency of an interim order. However, the matter was adjourned as none represented the petitioner on that date.
3. From the affidavit, it is seen that the petitioner was evicted from her land on 18.11.2014 by the respondent No. 3, whereby the residential house of the petitioner was also demolished. It is the further stand that on the date of eviction and demolition, the land of the petitioner was included in the Guwahati Water Bodies (Preservation and Conservation) Act, 2008. However, such land is required to be acquired. At that point of time, the Revenue & Disaster Management Department, Govt. of Assam expressed their views to the following effects:

“Quote-“The Dag No. 1992 (N)/1312(O) (Part), Revenue Village: Sahar Guwahati Pt-II under Mouza-Guwahati falls under “The Guwahati Water Bodies (Preservation & Conservation) Act, 2008. At present there is no proposal from DoHUA for any acquisition in the above mentioned land parcel corresponding to the aforesaid Dag number.

Further, no correspondence has been made with any other department/ agency like District Administration, Kamrup (M), in this regard;” –Unquote.

4. In that background, a specific stand has been taken by the respondent No. 1 that

since the residential house of the petitioner was demolished during the eviction process carried out on 18.11.2014 in spite of the order dated 04.06.2014 passed by this court in WP(C) 2767/2014, the State Government is ready and willing to adequately compensate the petitioner for the loss sustained by her due to demolition of her residential house. A specific stand has been taken by the respondent No. 1 that the respondent No. 1 would like to reasonably quantify the compensation amount and this court may direct the authority competent to do so, to find out the valuation of the demolished house of the petitioner.

5. In view of the aforesaid stand taken by the respondent No. 1 and as proposed by the learned counsel for the petitioner, this court directs that the Concerned jurisdictional Executive Engineer to make an assessment of the damage in question as per extant norms and submit a report before this court.
6. This court has requested Mr. B Gogoi, learned standing counsel, PWD to forward the copy of this order passed today and to intimate the concerned Executive Engineer to do the needful in this regards, which Mr. Gogoi has readily accepted. A copy of this order be furnished to Mr. B Gogoi, learned standing counsel, PWD Department and to all the learned counsel representing the parties.
7. The petitioner may also remain present while assessment is made.
8. Registry to list this matter reflecting the name of Mr. B Gogoi, learned standing counsel, PWD Department.
9. List this matter on 05.11.2024.

JUDGE

Comparing Assistant