

GAHC010027892025



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

Case No. : WP(C)/868/2025

GUTTU AND COMPANY PRIVATE LTD
A COMPANY INCORPORATED UNDER THE COMPANIES ACT, 1956 HAVING
ITS REGISTERED OFFICE AT JANIGANJ BAZAR, SILCHAR- 788001 IS
REPRESENTED BY ITS DULY AUTHORIZED SIGNATORY MR. RAGHAV
SARDA , SON OF SHRI RADHE SHYAM SARDA RESIDENT OF H.NO-89,
WARD NO-06 JANIGANJ BAZAR, RAJA TRANSPORT, SILCHAR, DIST-
CACHAR, ASSAM, PIN-788001

VERSUS

THE STATE OF ASSAM AND FOUR ORS
THROUGH THE COMMISSIONER AND SECRETARY, TO THE GOVERNMENT
OF ASSAM, PWD (ROADS), DISPUR, GUWAHATI - 781006

2:THE CHIEF ENGINEER
PWD (ROADS)
CHANDMARI
GUWAHATI-03

3:THE EXECUTIVE ENGINEER PWD (ROADS)
PATHARKANDI AND RAMKRISHNA NAGAR TERRITORIAL ROAD
DIVISION
RAMKRISHNA NAGAR
DIST- KARIMGANJ
ASSAM

4:THE DEPUTY COMMISSIONER
DIST- KARIMGANJ
ASSAM

5:THE CIRCLE OFFICER
RAMKRISHNA NAGAR

DIST- KARIMGANJ
ASSA

Advocate for the Petitioner : MR M SAHEWALLA, MS G DUGAR,MS T J SAHEWALLA,MR G N SAHEWALLA

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

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 19.02.2025

Heard Mr. G.N. Sahewalla, learned counsel assisted by Ms. G. Dugar, learned counsel for the petitioner; Mr. B. Choudhury, learned Standing Counsel, PWD for the respondent nos. 1, 2 & 3; and Mr. J. Handique, learned Junior Government Advocate, Assam for the respondent nos. 4 & 5.

The case of the petitioner is that without any kind of acquisition process, the respondent authorities in the Public Works Department have encroached upon a parcel of land measuring 3 Bighas 12 Kathas 10 Chetaak, covered by Dag no. 132 and Periodic Patta no. 1, situate at Porgona-Egarasati, Mouza - Kalinagar Cha Bagan Part-1, District – Karimganj, belonging to the petitioner tea estate. A contractor along with some workers/machinery, etc. after encroaching upon the said land, has started execution of a project-work viz. 'Improvement and Upgradation of Road Ainakhal of Hailakandi District to Ashimganj of Karimganj District [Part of 37.60 Km Road] [From Ishan Cherra:Ch.8.230 Km to Ashimganj Tri-Junction : Ch. 37.507 Km] under Asom Mala 2.0 for the year 2023-2024'. When the petitioner enquired with the respondent authorities in the Public Works Department, the respondent no. 3 had requested the petitioner to

grant No Objection Certificate in respect of the project-work, without mentioning about any process of acquisition as per the procedure prescribed by law.

Mr. Choudhury, learned Standing Counsel, PWD shall obtain instructions as regards the projections made by the petitioner in this writ petition.

List the case on 24.02.2025.

Ms. Dugar, learned counsel for the petitioner shall furnish a copy of the writ petition along with annexure to Mr. Choudhury during the course of the day.

JUDGE

Comparing Assistant