

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 : 24.02.2025**

Heard Mr. G.N. Sahewalla, learned Senior Counsel assisted by Ms. K. Sharma, learned counsel for the petitioner; Mr. P. Nayak, learned Standing Counsel, PWD for the respondent nos. 1, 2 & 3; and Mr. H. Sarma, learned Additional Senior Government Advocate, Assam for the respondent nos. 4 & 5.

2. 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.

3. Mr. Nayak, learned Standing Counsel, PWD has submitted that as per instructions received by him, the parcels of land where the construction activities are being undertaken, belong to the PWD, Assam and the parcels of land were acquired as far back as in the year 1983.

4. The above submission of Mr. Nayak is strongly refuted by Mr. Sahewalla, learned Senior Counsel for the petitioner.

5. The matter would require further examination.

6. Issue notice, returnable on 24.03.2025.

7. As Mr. Nayak, learned Standing Counsel, PWD has appeared and accepted notice on behalf of the respondent nos. 1, 2 & 3 and Mr. H. Sarma, learned Additional Senior Government Advocate has appeared and accepted notice on behalf of the respondent nos. 4 & 5, no formal notices need to be issued to the said respondents. Ms. K. Sharma, learned counsel for the petitioner shall furnish requisite nos. of extra copies of the writ petitions along with the annexures to Mr. Nayak and Mr. H. Sarma within 2 [two] working days from today.

8. The respondents shall file their counter affidavits invariably on or before the returnable date.

9. In the event the counter affidavits are not filed on behalf of the State respondents on or before the returnable date, the prayer for interim relief would be kept open for consideration.

**JUDGE**

**Comparing Assistant**