

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 ARUN DEV CHOUDHURY

ORDER

08.04.2025

1. Heard Mr. G. N. Sahewalla, learned Senior Counsel assisted by Mr. M. Sahewalla, learned counsel for the petitioner. Also heard Ms. M. Das, learned Standing Counsel, Public Works Department for the respondent Nos. 1, 2 & 3 and Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent Nos. 4 and 5.
2. The claim of the petitioner is that construction of a part of road namely Ainakhal of Hailakandi District to Ashimganj of Karimganj District, is being carried out over the patta land of the petitioner.
3. Referring to a communication issued by the concerned Executive Engineer, PWD (Road), the learned Senior Counsel for the petitioner, Mr. G. N. Sahewalla, contends that a N.O.C was sought for such construction, however, no N.O.C was granted by the petitioner as it is a patta land and without acquisition, such construction cannot be done.
4. On the other hand, in the affidavit, the respondent PWD has taken a stand that the road is constructed over the government land. Their response to the communication dated 18.09.2024 is to the effect that though the N.O.C was

sought for, however, such N.O.C was not granted. However, such affidavit is silent as to why they wanted N.O.C from a private entity, when according to them they are constructing a road over a government land.

5. In view of the aforesaid, the State respondents more particularly, the respondent No. 4 shall file an affidavit clarifying their stand, if necessary, by field verification, whether, the road is constructed over the patta land of the petitioner without due process of acquisition or such land is government land. In the affidavit, the State shall also furnish the supportive documents/maps etc.
6. List this matter again on 07.05.2025.

JUDGE

Comparing Assistant