

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**

**Date : 10.11.2025**

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 in construction of road from Ainakhal, to Ashimganj, Karimganj District, patta land of the petitioner in Dag No.132 is used without compensation.
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. The respondent No.2 i.e., the Chief Engineer, PWD (Roads) while admitting the improvement and up-gradation of the road in question, stated in the affidavit that there is no provision for the payment of land Acquisition Compensation under the project.

6. The respondent No.5 i.e., the Circle Officer, however, in its affidavit while admitting that Dag No.132 of Patta No.1 of Mouza Kalinagar Cha Bagan Part-1 is recorded in the name of Guttu and Company, contends that the road was constructed over the land covered by Dag No.10, which is a government khas land.

7. Mr. Sahewala, learned senior counsel for the petitioner referring to the revenue map contends that there is no dispute that there was an existing road over the government Dag No.10, however, according to him, while making the improvement, the said road is constructed over Dag No.132, which is patta land and adjacent to Dag No.10 and such construction has been carried out without paying any compensation to the petitioner or without any land acquisition process.

8. Such dispute, in the considered opinion of this court, can be verified through a field verification, in presence of the

petitioner by the District Commissioner or through his subordinates, in reference to the revenue map prepared by the State.

9. Mr. N Goswami, learned State counsel also contends that such field verification shall clear the dispute.

10. Accordingly, the District Commissioner, Karimganj is directed to carry out the field survey by measuring the road map as well as the land under Dag No.132, in reference to the revenue record and submit the report by way of an affidavit.

11. It is provided that while carrying out such survey, the representative of the petitioner company shall also be allowed to be present along with the concerned PWD Officials.

12. Such exercise be carried out within a period of four weeks from furnishing a copy of this order before the District Commissioner, Karimganj by the petitioner.

13. List this matter on 28.01.2026, on which date the affidavit along with the survey report be furnished before this court.

**JUDGE**

**Comparing Assistant**