

GAHC010036332023



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

Case No. : WP(C)/1176/2023

MUKUL KUMAR SARMA AND 3 ORS.
SON OF LATE PITAMBAR SARMA,
RESIDENT OF VILL- JAPARKUCHI,
P.O.- TERECHIA, PIN- 781334,
DIST.- NALBARI, ASSAM.

2: UTPAL KUMAR SARMA
SON OF LATE PITAMBAR SARMA
RESIDENT OF VILL- JAPARKUCHI
P.O.- TERECHIA
PIN- 781334
DIST.- NALBARI
ASSAM.

3: PRATAP CHANDRA MAZUMDAR
SON OF LATE KHARGESWAR MAZUMDAR
RESIDENT OF VILL- JAPARKUCHI
P.O.- TERECHIA
PIN- 781334
DIST.- NALBARI
ASSAM.

4: BHAGABAN SHARMA
SON OF LATE KAHIRAM SARMA
RESIDENT OF VILL- JAPARKUCHI
P.O.- TERECHIA
PIN- 781334
DIST.- NALBARI
ASSAM

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE

GOVERNMENT OF ASSAM,
REVENUE DEPARTMENT, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT,
DISPUR- 781006, KAMRUP(M), ASSAM.

2:THE DEPUTY COMMISSIONER
NALBARI
NALBARI MAIN ROAD
DIST.- NALBARI
781335
ASSAM.

3:THE CIRCLE OFFICER
NALBARI REVENUE CIRCLE
ISLAMSUPA
DIST.- NALBARI
781335
ASSAM.

4:THE CHAIRMAN
NALBARI DEVELOPMENT AUTHORITY
CHOWK BAZAR
NALBARI HAJO ROAD
PIN- 781335
DIST.- NALBARI
ASSAM.

5:HIRAKJYOTI BHATTACHARJYA
SON OF BHUPENDRA NATH BHATTACHARJYA
RESIDENT OF VILL.- JAPARKUCHI
P.O.- TERECHIA
PIN- 781334
DIST.- NALBARI
ASSAM.

6:MINATI BARMAN
WIFE OF LT. UMESH BARMAN
RESIDENT OF VILL.- JAPARKUCHI
P.O. TERECHIA
PIN- 781334
DIST.- NALBARI

ASSAM.

7:THE SECRETARY
BARNAMGHAR (JAPARKUCHI) XOMONYO BY-LANE DEVELOPMENT
COMMITTEE
VILL- JAPARKUCHI (NEAR BARNAMGHAR)

P.O.- TERECHIA
DIST.- NALBARI
PIN- 781334
ASSAM

Advocate for the Petitioner : MR. P MAHANTA
Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

24-03-2023

Heard Shri H. K. Baruah, learned counsel for the petitioners whose primary grievance is with regard to the width of a lane at Barnamghar (Japarkuchi) Xomonyo Bylane. The petitioners have alleged that the respondent No. 6 has forcefully constructed a boundary wall by acquiring a part of the said lane. It transpires that the lane is owned by the said respondent No. 6 and therefore where there is any indefeasible right to the petitioner is an issue which will arise for the consideration.

Be that as it may, let **Notice** be issued, returnable by **6 (six) weeks**.

Ms. G. Hazarika, learned Standing Counsel, Revenue Department accepts notice on behalf of respondent No. 1 whereas Shri D. K. Sharmah, learned Addl. Senior Govt. Advocate accepts notice on behalf of respondent Nos. 2 and 3.

Extra copies be served upon the learned counsel for the respondents by Monday.

Steps for service of notice upon the respondent Nos. 4, 5, 6 and proforma respondent No. 7 be taken by registered post with A/D.

Steps by Monday.

The question of maintainability of the writ petition is however kept open.

JUDGE

Comparing Assistant