

GAHC010046032022



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

Case No. : WP(C)/1719/2022

BAP CHANDRA BORTHAKUR AND ANR
S/O. LT. JAGANNATH BORTHAKUR R/O. RAGHUBARI, P.O. DIKHAWMUKH,
P.S. GAURISAGAR, DIST. SIVASAGAR, PIN-785664.

2: PRADIP BORTHAKUR
S/O. BAP CHANDRA BORTHAKUR R/O. RAGHUBARI
P.O. DIKHAWMUKH
P.S. GAURISAGAR
DIST. SIVASAGAR
PIN-785664

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY COMM. AND SECY. TO THE GOVT. OF ASSAM, WATER RESOURCE
DEPTT., SACHIVALYA, DISPUR, ASSAM, PIN-781006.

2:THE DEPUTY COMMISSIONER

SIVASAGAR
ASSAM
PIN-785640.

3:THE ADDL. DEPUTY COMMISSIONER (LAND ACQUISITION)
DIST. SIVASAGAR
ASSAM
PIN-785640.

4:THE CIRCLE OFFICER

SIVASAGAR
PIN-785664.

5:THE EXECUTIVE ENGINEER

WATER RESOURCE DIVISION
SIVASAGAR
PIN-785664

Advocate for the Petitioner : MR S BORTHAKUR, MR. P. SINGHA, MR H P NEPAL
Advocate for the Respondent : GA, ASSAM, SC. WATER RESOURCE DEPTT. (R-1 & 5)

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

24-03-2025

- 1.** The petitioners claim that while constructing an embankment, their lands are used by the Water Resource Department without acquiring the same. On the other hand, the respondent Water Resource Department submits that they have not encroached any land of the petitioners inasmuch as the work executed was for restoration of existing embankment not for enlargement of the embankment.
- 2.** Mr. B. Goswami, learned Additional Advocate General, Assam representing the Revenue authority, i.e., the Deputy Commissioner, Sivasagar, submits that he has received instruction from the office of the Deputy Commissioner, Sivasagar.
- 3.** Perused the instruction, which goes to show that the existing embankment and river bank of Dikhow on the left bank at Raghubari, the scheme in question has been executed after field verification by the Deputy Commissioner (DDMA), Sivasagar on 05.01.2022 and the scheme is for restoration of existing embankment not for enlargement of embankment.
- 4.** Let an affidavit be filed by the Deputy Commissioner, Sivasagar.
- 5.** List this matter in the 4th week of April, 2025 on a date to be fixed by the Registry.

JUDGE

Comparing Assistant