

GAHC010048012021



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

**Case No. : WP(C)/1735/2021**

GOPAL BRAHMA @ GOPAL BORO  
S/O- LT. TARANI BORO, R/O- VILL- GADHULIGAON, P.S. PATACHARKUCHI,  
DIST.- BAKSA, BTAD, ASSAM, PIN- 781372

VERSUS

THE UNION OF INDIA AND 12 ORS.  
REP. BY THE DEFENCE SECRETARY TO THE GOVT. OF INDIA, MINISTRY  
OF DEFENCE, SOUTH BLOCK, NEW DELHI- 110011

2:THE STATE OF ASSAM  
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT.  
JANATA BHAWAN  
DISPUR  
GHY-06

3:THE BODOLAND TERRITORIAL COUNCIL  
REP. BY ITS PRINCIPAL SECRETARY  
BODOLAND SECRETARIAT  
BODOFA NWGWR  
KOKRAJHAR  
BTR  
ASSAM- 783370

4:THE DEFENCE SECRETARY TO THE GOVT. OF INDIA  
MINISTRY OF DEFENCE  
SOUTH BLOCK  
NEW DELHI- 110011

5:THE COMM. AND SECY. TO THE GOVT. OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPTT.

JANATA BHAWAN  
DISPUR  
GHY-06

6:THE PRINCIPAL SECRETARY  
BODOLAND TERRITORIAL COUNCIL  
BODOLAND SECRETARIAT  
BODOFA NWGWR  
KOKRAJHAR  
BTR  
ASSAM- 783370

7:THE CHIEF OF ARMY STAFF  
INDIAN ARMY  
INTEGRATED HEADQUARTERS OF MINISTRY OF DEFENCE (ARMY)  
SOUTH BLOCK  
NEW DELHI- 110011

8:THE GENERAL OFFICER COMMANDING-IN-CHIEF  
EASTERN COMMAND  
INDIAN ARMY  
FORT WILLIAM  
HASTINGS  
KOLKATA- 700021

9:THE DIRECTOR GENERAL DEFENCE ESTATES  
MINISTRY OF DEFENCE  
GOVT. OF INDIA  
RAKSHA SAMPADA BHAWAN  
ULAANBAATAR MARG  
DELHI COMMANDANT  
NEW DELHI- 110010

10:THE DEFENCE ESTATES OFFICER  
TEZPUR CIRCLE  
TEZPUR  
DIST.- SONITPUR  
ASSAM- 784001

11:THE DY. COMMISSIONER  
BAKSA  
MUSHALPUR  
DIST.- BAKSA  
BTR  
ASSAM- 781371

12:THE CIRCLE OFFICER  
JALAH REVENUE CIRCLE

JALAHGHAT  
DIST.- BAKSA  
BTR  
ASSAM- 784001

13:THE COMMANDING OFFICER  
ARMY CAMP  
SIMLA  
INDIAN ARMY  
C/O 99 AP

**Advocate for the Petitioner** : MR. P D NAIR, MR. H ROHMAN,S R A NASER,MR G ALAM

**Advocate for the Respondent** : ASSTT.S.G.I., MR A BHATTACHARYA (SC, REVENUE AND DISASTER MANAGEMENT DEPARTMENT),MR H GUPTA,MR H GUPTA,MR. C K S BARUAH,SC, BTC,SR. GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

**ORDER**

**Date : 22.01.2025**

Mr. P. D. Nair, learned Counsel for the petitioner submits that the petitioners have not been able to bring on record the exact compensation that would be receivable by them for the period their land's were under occupation by the Army Authorities.

Mr. H. Gupta, learned Counsel for the respondent, submits that the land in question was occupied by the Army Authorities on being so identified by the District Administration.

Mr. B. Choudhury, learned Standing Counsel BTC, had submitted on 05.08.2024, in the present proceeding that he would receive instructions as regards the assessment of compensation required to be paid to the petitioners for the period the Army Authorities had occupied their land for setting up of the anti insurgency operation at Shimla, which falls within the jurisdiction of the BTC authorities.

Mr. Choudhury, learned Standing Counsel BTC, has submitted today, that the instructions has sought for, has not been received and accordingly, prays that the matter be taken up again on 10.02.2025.

On the next date of listing, Mr. Choudhury, learned Standing Counsel, shall place before this Court, the assessment of the rental value required to be paid to the petitioner for the possession of their land by the Army Authorities.

**JUDGE**

**Comparing Assistant**