

GAHC010048012021



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

Advocate for the Respondent : ASSTT.S.G.I.

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

09.06.2023

Heard Mr. H. Rahman, learned counsel for the petitioner; Mr. H. Gupta, learned Central Government Counsel [CGC] for the respondent nos. 1, 4, 7, 8, 9 & 10; Mr. A. Bhattacharya, learned Standing Counsel, Revenue & Disaster Management Department for the respondent nos. 2 & 5; Mr. B. Choudhury, learned Standing Counsel, BTC for the respondent nos. 3, 6 & 12; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent no. 11.

In this writ petition, the petitioner has alleged unauthorized occupation of his Patta land by the respondent authorities without paying due compensation and without initiation of any acquisition proceeding.

In the face of such allegations, it appears necessary for the respondent BTC authorities represented by Mr. Choudhury, learned Standing Counsel, BTC and the District Administration, Baksa represented by Ms. Barman, learned Junior Government Advocate, Assam to file their responses.

Both Mr. Choudhury and Ms. Barman have prayed for and are granted 3 [three] weeks time to file their respective counter affidavits.

List the case after 3 [three] weeks.

The name of the learned Standing Counsel, Revenue & Disaster Management Department be reflected in the respondents' side in the cause-list.

JUDGE

Comparing Assistant