

GAHC010049952024



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

**Case No. : WP(C)/1645/2024**

PARAMA PATOWARY  
S/O- LATE ARUN PATOWARY, R/O.- VILL.- DEKA PARA, P.O. SINGRA, P.S.  
BOKO, DIST. KAMRUP, ASSAM, PIN- 781135.

VERSUS

THE UNION OF INDIA AND 6 ORS  
THROUGH THE SECRETARY TO THE GOVERNMENT OF INDIA, MINISTRY  
OF RAILWAY, RAIL BHAWAN, NEW DELHI-110001.

2:THE GENERAL MANAGER

N.F. RAILWAY  
MALIGAON  
GUWAHATI-781001.

3:THE CHIEF ENGINEER

N.F. RAILWAY  
MALIGAON  
GUWAHATI-781001.

4:THE STATE OF ASSAM

THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT  
DISPUR  
GUWAHATI-781006.

5:THE DEPUTY COMMISSIONER

KAMRUP  
AMINGAON  
ASSAM  
PIN- 781039.

6:THE ADDITIONAL DISTRICT COMMISSIONER  
OFFICE OF THE DEPUTY COMMISSIONER  
KAMRUP  
AMINGAON  
(LAND ACQUISITION BRANCH)  
ASSAM  
PIN- 781039.

7:THE CIRCLE OFFICER  
BOKO REVENUE CIRCLE  
P.O. AND P.S. BOKO  
DIST. KAMRUP  
ASSAM  
PIN- 781123

For the Petitioner(s) : Mr. R. Dhar, Advocate

For the Respondent(s) : Mr. B.J. Talukdar, Sr. Govt. Advocate  
Mr. K.K. Parasar, CGC  
Mr. P.K. Medhi, Govt. Advocate  
Ms. N. Bordoloi, Standing Counsel

**BEFORE**  
**HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

**ORDER**

**Date : 18.02.2026**

Heard Mr. R. Dhar, the learned counsel appearing on behalf of the petitioner. Mr. K.K. Parasar, the learned CGC appears on behalf of the respondent Nos. 1 to 3; Ms. N. Bordoloi, the learned Standing Counsel appears on behalf of the respondent No. 4 and Mr. B.J. Talukdar, the learned Senior Government Advocate assisted by Mr. P.K. Medhi, the learned Government Advocate appears on behalf of the respondent Nos. 5 to 7.

2. It is the case of the petitioner that the petitioner who is the owner of a plot of land admeasuring 2 Bighas 4 Kathas 18 Lechas covered by Dag Nos. 218 and 245, included in Patta No. 2 of Village Deka Para, Mouza Bakali under Boko Revenue Circle, Kamrup, Assam. It is the case of the petitioner that without following any procedure of law, the land of the petitioner has been taken over by the respondent Nos. 1, 2, and 3.

3. Mr. R. Dhar, the learned counsel appearing on behalf of the petitioner submitted that in the process of taking over the possession of the petitioner's land, even the District Administration or the Revenue Department were not consulted. The learned counsel therefore submitted that this is a gross case of violation of Article 300A of the Constitution of India.

4. The record reveals that this Court issued notice on 22.03.2024. Till now, the respondent Railways have not filed any affidavit-in-opposition.

5. On the other hand, the affidavit which has been filed by the respondent No. 7 makes it clear that the railway authorities have been possessing a total area of land admeasuring 1 Bigha 2 Kathas 17 Lechas in Dag No. 218 of K.P. Patta No. 2 of Revenue Village Dekapara, Mouza Bekeli in the district of

Kamrup, Assam. It is also mentioned that the railway authorities have already acquired a plot of land admeasuring 2 Kathas 5 Lechas in the year 1990 out of 1 Bigha 2 Kathas 17 Lechas in Dag No. 218 of KP Patta No. 2. It is also mentioned that the railway authorities are also in possession of 2 Kathas 6 Lechas of land in Dag No. 245 of K.P. Patta No. 2 of Revenue Village, Dekapara, Mouza Bekeli in the district of Kamrup, Assam, and the railway authorities have acquired 1 Katha in the year 1990 out of 2 Kathas 6 Lechas of Dag No. 245 of K.P. Patta No. 2. It is also mentioned that no demarcation could be carried out on account of the land being in waterlogging condition.

6. Be that as it may, it is apparent from Annexure-C to the affidavit-in-opposition filed by the respondent No. 7 that a field verification was carried out by the Circle Officer, Boko Revenue Circle. The contents of the said field verification are at Annexure-C to the affidavit-in-opposition filed by the respondent No. 7, and the same is reproduced herein under:

*“With due regards and reference to the subject cited above, I have the honour to inform you that, as directed by Honourable High Court, a survey was conducted on 16/11/2022 and the area measuring 01(one) bigha 02(two) katha 17 (seventeen) lessa under Dag No. 218 and 02(two) katha 06 (six) lessa under Dag No. 245 of Patta No. 02 of village- Dekapara under Bekeli mouza found to be currently in possession of Railways.*

*During the period of field visit, it is known that, the petitioner Parama*

*Patowary has got compensation for the land measuring 2 katha 05 lessa under dag No. 218, but additionally a plot of land measuring 1 bigha 12 lessa under this dag is included within the railway line constructed by the railways. Accordingly the petitioner has got compensation for the land measuring 1 katha under dag No, 245, but additionally 1 katha 6 lessa land under this dag is under possession of railways.*

*Also it may be informed that due to lack of land acquisition details at the office of the undersigned the exact area acquired by Railways couldn't be ascertained.*

*This is for favour of your kind information and necessary action."*

7. This Court, therefore fixes the matter again on 20.03.2026.
8. A final liberty is given to the respondent Nos. 1 to 3 to bring on record their stand by filing the affidavit, failing which it shall be presumed that the respondent railways would not like to contest on the facts as alleged in the pleadings.

**JUDGE**

**Comparing Assistant**