

GAHC010071692025



2026:GAU-AS:5823

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

Case No. : Cont.Cas(C)/203/2025

DEBENDRA NATH PHUKAN
S/O- LATE MOHINI NATH PHUKAN, R/O- 19 MARTELLO COURT,
PORTMARNOCK, DUBLIN, D13XF85, IRELAND THROUGH HIS
CONSTITUTED ATTORNEY SHRI AMAL BORAH, S/O LATE BHABANI
CHARAN BORAH, AGED ABOUT 73 YEARS, R/O HOUSE NO. 8,
MALIBAGAN, KHARGULI, GUWAHATI-781004, ASSAM

VERSUS

RAJA BAISHYA, ACS AND 2 ORS.
THE CIRCLE OFFICER, GUWAHATI REVENUE CIRCLE, NEAR DGP OFFICE,
ULUBARI, GUWAHATI- 781007, ASSAM

2:BIRENDRA NATH PHUKAN
S/O LATE MOHINI NATH PHUKAN
R/O M.C. BARUAH ROAD
BARUWARI
GUWAHATI-781001
DIST- KAMRUP (M)
ASSAM

3:RAJIV PHUKAN
S/O LATE MOHINI NATH PHUKAN
R/O M.C. BARUAH ROAD
BARUWARI
GUWAHATI-781001
DIST- KAMRUP (M)
ASSA

For the Petitioner(s) : Mr. M. K. Choudhury, Sr. Advocate
Mrs. R. Borah, Advocate

For the Respondent(s) : Mr. H. Sarmah, Govt. Advocate
Ms. P. Baruah, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

27.04.2026

Heard Mr. M. K. Choudhury, the learned Senior Counsel assisted by Mrs. R. Borah, the learned counsel appearing on behalf of the Petitioner. Mr. H. Sarmah, the learned counsel appears on behalf of the Respondent No.1 and Ms. P. Baruah, the learned counsel appears on behalf of the Respondent No.2.

2. From the materials on record, it appears that this Court specifically directed in the judgment and order dated 29.07.2024 passed in WP(C) No.5685/2023 to carry out the demarcation as regards the plot of land admeasuring 2 Kathas 5.22 Lechas covered by Dag No.850 included in KP Patta No.592 under Ulubari Mouza, Village-Sahar, Guwahati Part No.7 by giving proper notice to the persons on the boundary of the said plot of land. It was categorically mentioned in the said order that while carrying out such demarcation, the possession of any person upon the land in question should not be disturbed.

3. This Court further takes note that in pursuance to the

judgment and order passed by this Court on 29.07.2024, the Respondent Authorities carried out a demarcation and this aspect would be apparent from the communication dated 10.04.2025 issued by the Circle Officer, Guwahati Revenue Circle. However, while carrying out the said demarcation, it is seen from the report that the concerned authorities of the Revenue Department in their report have only mentioned that they have shown the boundaries. There is no mention, however, in the said report dated 08.11.2024 as to where the boundaries were. In other words, what the four boundaries of the land were in question.

4. It is not out of place to mention that while carrying out the demarcation, there is a requirement of mentioning the four boundaries of the land in respect to which demarcation is carried out.

5. This Court further takes note of that in pursuance to an order passed by this Court on 25.07.2025, another additional affidavit was filed by the Contemnor No.1 wherein a report of the Contemnor No.1 dated 28.08.2025 has been enclosed as Annexure-A to the additional affidavit.

6. A perusal of the said report reveals that on 19.08.2025, it was found that the land was filled with jungle, and accordingly, the demarcation was not carried out and suggestions were given

to clean the area by rescheduling the demarcation on 27.08.2025. On 27.08.2025, the demarcation was carried out by measuring the land measuring 6.05 Are covered by Dag No.850 of KP Patta No.592 of Village-Sahar, Guwahati, Part No.7 under Ulubari Mouza in the presence of the representative of the Petitioner and the second party indicated through the red line.

7. It is also seen from Annexure-C to the said additional affidavit wherein the Power of Attorney holder of the Petitioner has categorically mentioned that while carrying out the demarcation, it was found that 22.5 meter towards the eastern side and 26.75 meter towards the southern was not allowed to erect any post, only red marking had been done for which the Power of Attorney holder of the Petitioner was not satisfied. It is the opinion of this Court that the said demarcation which has been carried out in pursuance to the order dated 25.07.2025 on 27.08.2025 amounts to sufficient compliance to the judgment and order passed by this Court on 29.07.2024 in WP(C) No.5685/2023.

8. Under such circumstances, this Court closes the contempt proceedings.

9. Be that as it may, this Court observes and directs the Circle Officer, Guwahati Revenue Circle to provide a trace map of the

Dag No.850 of KP Patta No.592 of Village-Sahar, Guwahati Part No.7 under Ulubari Mouza to the Petitioner within 15 days upon production of a certified copy of this order.

JUDGE

Comparing Assistant