

GAHC010074162022



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

Case No. : WP(C)/2669/2022

THE SONAPUR TEA CO. PVT. LTD.
A COMPANY REGD. UNDER THE COMPANY ACT, 1956, REP. BY SRI
SOURABH SARKAR, S/O. LT. K.P. SARKAR, R/O. SONAPUR TEA ESTATE,
HAVING ITS REGD. OFFICE AT 61B, PARK STREET, FLAT NO.2B, NEELAM
APARTMENT, KOLKATA, WEST BENGAL, PIN-700016 AND ITS LOCAL
OFFICE AT SONAPUR TEA ESTATE, NATIONAL HIGHWAY-37, VILL.
BARUAHBARI, P.O. SONAPUR, DIST. KAMRUP (M), PIN-782402, ASSAM.

VERSUS

THE STATE OF ASSAM AND 8 ORS.
REP. BY THE DEPUTY SECRETARY, REVENUE AND D.M. (LR), DEPTT. OF
LAND ACQUISITION BRANCH, GUWAHATI-06.

2:ASSAM POWER DISTRIBUTION CO. LTD. (APDCL)

REP. BY ITS MANAGING DIRECTOR
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI-781001.

3:THE CHAIRMAN

ASSAM POWER DISTRIBUTION CO. LTD. (APDCL)
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI-781001.

4:THE MANAGING DIRECTOR

ASSAM POWER DISTRIBUTION CO. LTD. (APDCL)
BIJULEE BHAWAN

PALTANBAZAR
GUWAHATI-781001.

5:THE CHIEF GENERAL MANAGER

GUWAHATI ZONE
ASSAM POWER DISTRIBUTION CO. LTD. (APDCL)
BIJULEE BHAWAN
PALTANBAZAR
GUWAHATI-781001.

6:GENERAL MANAGER

APDCL (LAR) SIX MILE
GUWAHATI-22
DIST. KAMRUP (M)
ASSAM.

7:THE DEPUTY COMMISSIONER CUM COLLECTOR

KAMRUP (M)
GUWAHATI-781001.

8:THE LAND ACQUISITION OFFICER

OFFICE OF THE DEPUTY COMMISSIONER
KAMRUP (M)
LAND ACQUISITION BRANCH
GUWAHATI-781001.

9:THE CIRCLE OFFICER

SONAPUR REVENUE CIRCLE
P.O. SONAPUR
PIN-782402
DIST. KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR S N SARMA SENIOR ADVOCATE

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

20-04-2022

Heard Mr. SN Sarma, learned Senior counsel assisted by Mr. K Kalita, learned counsel for the petitioner. Also heard Mr. B Choudhury, learned standing counsel for the APDCL, Mr. R Barpujari, learned standing counsel for the Revenue and Disaster Management Department and Mr. R Talukdar, learned State counsel.

The petitioner claims that a plot of land measuring 3 Kathas 14 Lechas covered by Dag No. 115, Patta No. 1 FS Grant, village Baruabari under Panbari Mouza has been taken over by the erstwhile Assam State Electricity Board (now APDCL) without payment of any compensation or any rent and they are still using the land. The petitioner further claims that it has been pursuing with the respondent authorities for resolving the issue either by paying rent or acquiring the land where the APDCL has constructed a sub-station.

Mr. Choudhury, learned standing counsel, APDCL submits that the Union of India may be a necessary party as the sub-station was installed to cater the need of Air force Station, Digaru and it was done at the behest of Union of India. Such prayer not being opposed, is allowed. The petitioner is permitted to add Union of India represented through Ministry of Defense as respondent No. 10. The petitioner may do the needful for inclusion of the said respondent by hand, however, same needs to be done before the concerned officials of the Registry so that same can be incorporated in the CIS system.

Issue notice, returnable after four weeks.

Mr. B Coudhury accepts notices on behalf of respondent Nos. 2 to 6, Mr. R Barpujari accepts notice on behalf of respondent No. 1, Mr. R Talukdar accepts notice on behalf of respondent Nos. 8 and 9 and Ms. Gayan, learned CGC

accepts notice on behalf of the respondent No. 10. As all the respondents are duly represented, no formal notice need be issued. However, extra copy, in required numbers, be furnished to the learned counsel within a period of three days from today.

JUDGE

Comparing Assistant