

GAHC010077252022



2026:GAU-AS:3009

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

Case No. : WP(C)/3263/2022

UTTAM LAL GUPTA AND ANR
S/O. LT. GOPILAL GUPTA AND R/O. VILL. KHANGAR GAON, BIGDHAN
PALLY, P.O. AND P.S. LUMDING, DIST. HOJAI, ASSAM.

2: RAJU LAL GUPTA
S/O. LT. GOPILAL GUPTA AND R/O. VILL. KHANGAR GAON
BIGDHAN PALLY
P.O. AND P.S. LUMDING
DIST. HOJAI
ASSAM

VERSUS

THE UNION OF INDIA AND 3 ORS
REP. BY THE SECRETARY TO THE UNION OF INDIA MINISTRY OF
DEFENSE, SOUTH BLOCK, NEW DELHI II,

2:THE OFFICER IN CHARGE
ARMY TRANSIT CAMP KHANGAR GAON
LUMDING
HOJAI
ASSAM
PIN-782447.

3:THE COLLECTOR CUM DEPUTY COMMISSIONER

HOJAI
DIST. HOJAI
ASSAM.

4:THE CIRCLE OFFICER
LANKA REVENUE CIRCLE
DIST. HOJAI
ASSAM

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH

For the Petitioner(s) : Mr. D. K. Nath, Advocate

For the Respondent(s) : Mr. J. Handique, Government Advocate
: Mr. S. K. Medhi, CGC

- Date on which Judgment was reserved : N/A
- Date of Pronouncement of Judgment : **26.02.2026**
- Whether the pronouncement is of the Operative Part of the Judgment : No
- Whether the full Judgment has been Pronounced : Yes

JUDGMENT AND ORDER (ORAL)

Heard Mr. D. K. Nath, the learned counsel appearing on behalf of the Petitioners and Mr. S. K. Medhi, the learned CGC appearing on behalf of the Respondent Nos. 1 and 2. I have also heard Mr. J. Handique, the learned Government Advocate appearing on behalf of the Respondent Nos. 3 and 4.

2. It is the case of the Petitioners that the Petitioners are the owners of a plot of land admeasuring 1 Bigha 2 Kathas 3 Lechas at Dag No.06 covered by Kheraj Myadi Patta No.05 at Village Khangar Gaon, under Lumding Mouza in the District of Hojai, Assam.

3. It is further contended by the Petitioners that around 30-35

years back, a plot of land admeasuring 1 Katha 10 Lechas from the land belonging to the Petitioners was donated by the predecessor-in-interest of the Petitioners to the Respondent No.2 for construction of Army Transit Camp at Khangar Gaon (Bighan Pally), Lumding. It is the case of the Petitioners that the Respondent No.2 thereupon trespassed into the remaining lands of the Petitioners for which the Petitioners submitted an application before the Respondent No.4 for carrying out demarcation. Accordingly, a notice dated 06.05.2021 was issued by the Circle Officer, Lanka Revenue Circle to the Army Authorities for demarcation of the land fixing 12.05.2021. However, no steps thereupon was taken on the ground that the Respondent No.2 had not permitted to carry out any demarcation.

4. The record reveals that this Court had issued notice as far back as on 20.05.2022.

5. The Respondent Nos. 1 and 2 had filed an affidavit-in-opposition wherein it is mentioned that the land held by the Respondent No.2 at Lumding is A1 Defence land measuring 0.66 Acres i.e. equivalent to 1 Bigha. It is also mentioned that as per the extract from the Military Land Register, the Dag Number of the land is Dag No.2 (Part) Patta No.1, Village Khangar Gaon, Mouza Lumding, District Nagaon (Presently Hojai District). The same have

been also verified in the report on survey of defence land at Lumding Transit Camp under the Station Headquarter Misa held in the month of December, 2013. Apart from that, a fresh survey was conducted in the month of December, 2021 and the report is awaited.

6. In addition to that, it is also mentioned that the said land admeasuring 0.66 Acres was requisitioned w.e.f. 31.07.1966 under the Authority of HQ 41 Sub Area letter No.0244/40/Q3W dated 17.01.1966. Subsequently, the same was acquired under the Requisitioning and Acquisition of Immovable Property Act, 1952 w.e.f. 04.03.1970 vide Authority of Government of India, Ministry of Defence (Army) letter No.1/2/Assam/ACQ/Team/362-S/5D (Land) dated 30.06.1969 and the DC Nagaon letter No.NRQ 63/66/57 dated 19.02.1970. Possession of the land was also taken as far back as on 31.07.1966 and the compensation amount of Rs.4,982.50p was paid.

7. From a perusal of the pleadings as well as the documents so enclosed therewith shows that though the Petitioners claim ownership of a plot of land admeasuring 1 Bigha 2 Kathas 3 Lechas at Dag No.06 covered by Kheraj Myadi Patta No.05 at Village Khangar Gaon, under Lumding Mouza but there are no documents enclosed showing the Petitioners' ownership of such lands.

8. On the other hand, the Respondents herein have categorically placed the necessary documents on the basis of which the Respondents claim the ownership over the land measuring 0.66 Acres which is equivalent to 1 Bigha.

9. Taking into account that the Petitioners have not placed any document to show their ownership over the land, the question therefore does not arise for this Court to pass any direction upon the Respondent No.4 to carry out any demarcation by issuing a writ.

10. Under such circumstances, this Court does not find any merit in the instant writ petition for which the writ petition stands dismissed.

11. Be that as it may, it is observed that the dismissal of the instant writ petition shall not prejudice or preclude the Petitioners to file a suit before the competent Court of Civil Jurisdiction seeking recovery of possession if the Petitioners were dispossessed subject to the same being permissible under law.

**Bijoy
Saha**



Digitally signed
by Bijoy Saha
Date: 2026.02.27
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JUDGE

Comparing Assistant