

GAHC010090172025



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

Case No. : WP(C)/2292/2025

NUR ZAMAL AND ORS
SON OF NAYCHAN SK, R/O.- VILL TARANGAPUR, P.S.- LAKHIPUR,
DISTRICT- GOALPARA, ASSAM

2: JAHIRUL ISLAM
SON OF NAYCHAN SK
R/O.- VILL TARANGAPUR
P.S.- LAKHIPUR
DISTRICT- GOALPARA
ASSAM

3: ADDUL WAHAB ALIAS HAFIZ ALI
SON OF NAYCHAN SK
R/O.- VILL TARANGAPUR
P.S.- LAKHIPUR
DISTRICT- GOALPARA
ASSA

VERSUS

THE STATE OF ASSAM AND ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
PUBLIC WORK DEPARTMENT (ROADS) DISPUR, GUWAHATI- 6

2:THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY
REVENUE AND DISASTER MANAGMENT
DEPARTMENT
DISPUR
GHY-06

3:THE CHIEF ENGINEER
PWD (ROADS)
ASSAM

CHANDMARI
P.S. AND P.O.- CHANDMARI
DIST.- KAMRUP(M)
GHY-03

4:THE DISTRICT COMMISSIONER
GOALPARA
DIST.- GOALPARA
ASSAM
PIN-783101

5:THE EXECUTIVE ENGINEER
PWD
ROAD
GOALPARA DIVISION
P.S.- GOALPARA
DIST.- GOALPARA
ASSAM
783101

6:THE ASSTT EXECUTIVE ENGINEER
PWD ROAD
LAKHIPUR SUB-DIVISION
P.S.- LAKHIPUR
DIST.- GOALPARA
ASSAM-783101

7:THE CIRCLE OFFICER
LAKHIPUR REVENUE CIRCLE
DIST.- GOALPARA
PIN-78312

Advocate for the Petitioner : MR. M I HUSSAIN, N. UDDIN,MS. P AHMED,R KHA

Advocate for the Respondent : GA, ASSAM, SC. REVENUE,MR. B. CHOUDHURY, SC, PWD
ROAD

BEFORE
HONOURABLE MR. JUSTICE ARUN DEV CHOUDHURY

ORDER

26.05.2025

1. Heard Mr. M. I. Hussain, learned counsel for the petitioners. Also heard Mr. B.

Choudhury, learned Standing Counsel, PWD for the respondent Nos. 1, 3, 5 and 6.

2. The grievance of the petitioners is that a bridge is being constructed over their patta land by the PWDR (respondent Nos. 1, 3, 5 and 6).
3. Mr. Choudhury, learned Standing Counsel for the PWD has obtained instruction and also produced a report from the Circle Officer, which goes to show that as per identification of the land compared to record, the required land for construction of the bridge, government lands are found available there. The total length of the road is 290 meters and the Myadi, Patta lands including Dags adjacent to both the sides of the road are also identified, which does not involved the land of the petitioners. However, it was also recorded in a joint verification report that adjacent pattadar of the land gave a consent in the shape of declaration they shall spare 2/3 feet of land, if required for the purpose of construction of the bridge.
4. In view of the aforesaid, let a notice be issued returnable on 26.06.2025.
5. As Mr. B. Choudhury, learned Standing Counsel, PWD accepts notice on behalf of the respondent Nos. 1, 3, 5 and 6 and Mr. N. Das, learned State counsel accepts notice on behalf of the respondent Nos. 2, 4 and 7, no formal notice need be issued to the said respondents. However, extra copies be furnished to the learned counsel for the respondents within a period of five days from today by the learned counsel for the petitioners.
6. On or before the next date fixed, the PWD shall file their affidavit.
7. The revenue authorities i.e. Deputy Commissioner/Circle Officer shall also file their affidavit by showing the land of the petitioners and the land where the bridge is proposed to be constructed in a map and also verify whether the 2/3

feet of land that may be required also cover the petitioner's land.

8. The instruction so furnished by Mr. B. Choudhury, learned Standing Counsel, PWD is kept on record.

JUDGE

Comparing Assistant