

GAHC010120192026



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

**Case No. : WP(C)/3168/2026**

DIMPU SAIKIA  
S/O LT. NIPEN SAIKIA, R/O WARD NO 2, P.O.- KHELMATI, DIST.-  
LAKHIMPUR, 787031, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY, LAND AND  
REVENUE DEPARTMENT, DISPUR, GHY 6

2:THE DIRECTOR OF MUNICIPAL CORPORATION  
(ADMINISTRATION)  
GHY 6

3:DISTRICT COMMISSIONER  
LAKHIMPUR  
ASSAM  
787001

4:CIRCLE OFFICER  
NORTH LAKHIMPUR REVENUE CIRCLE  
NORTH LAKHIMPUR  
ASSAM  
787001

5:PRESIDENT/ CHAIRMAN  
NORTH LAKHIMPUR MUNICIPALITY BOARD  
787001

6:SUB DISTRICT COMMISSIONER/ EXECUTIVE MAGISTRATE  
LAKHIMPUR  
78700

**Advocate for the Petitioner** : MR MINTU SAIKIA, MS R DUTTA,MS. B DAS

**Advocate for the Respondent** : GA, ASSAM, SC, REVENUE

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**Date** : **15.06.2026**

Heard Mr. M. Saikia, learned counsel for the petitioner; Mr. A. Bhattacharyya, learned Standing Counsel, Revenue Department for the respondent no. 1; and Mr. H.K. Hazarika, learned Junior Government Advocate, Assam for the respondent nos. 2 – 4 & 6.

2. The petitioner has been served with a Notice dated 06.06.2026 by the respondent no. 4 whereby it has been informed that the petitioner is found constructing a shop on a plot of land located in Mouza – Lakhimpur, North Lakhimpur Revenue Circle unauthorisedly. Stating that the said plot of land is reserved for National Highway 15, the petitioner has been asked to remove the shop purportedly constructed in an unauthorised manner from the said plot of land within a period of 7 [seven] days from the date of receipt of the Notice dated 06.06.2026. The Notice has further informed that in the event of failure on the part of the petitioner to remove the shop, eviction process will be undertaken as per the Settlement Rules framed under the Assam Land and Revenue Regulation, 1886 [‘the Regulation, 1886’, for short].

3. Mr. Bhattacharyya and Mr. Hazarika shall obtain instructions whether the plot of land in respect of which the Notice has been issued is a plot of land reserved in the Central Government under the National Highways Act or it is a Government plot of land under the Regulation, 1886. The learned State Counsel shall also obtain instruction in what capacity the respondent no. 4 has issued the impugned Notice dated 06.06.2026, whether as a Highway Administration under the control of National Highways [Land and Traffic] Act, 2002 or in exercise of the powers under Rule 18 of the Settlement Rules framed under the Regulation, 1886.

4. Both Mr. Bhattacharyya and Mr. Hazarika have sought for a week's time to obtain the necessary instruction.
5. List the case on 23.06.2026.
6. Till then, the respondent authorities, more particularly, the respondent no. 4 shall not take any further steps in terms of the impugned Notice dated 06.06.2026.
7. Mr. Saikia, learned counsel for the petitioner shall furnish a copy of the writ petition along annexures each to Mr. Bhattacharyya and Mr. Hazarika during the course of the day for enabling them to obtain the necessary instructions in the matter.

**JUDGE**

**Comparing Assistant**