

WP(C) 6570/2016

BEFORE

HON'BLE MR. JUSTICE ARUP KUMAR GOSWAMI

Heard Mr. A.R. Bhuyan, learned counsel for the petitioners. Also heard Mr. T. C. Chutia, learned State Counsel appearing for the respondent Nos. 1, 3, 4, 5, 6 and 8 and Mr. M.K. Choudhury, learned senior counsel appearing for the respondent Nos. 2 and 7.

On the prayer of Mr. Bhuyan, learned Counsel, he is permitted to replace Union of India by Indian Oil Corporation Ltd., in the cause-title.

Issue notice of motion, returnable in 3 (three) months. No formal steps are called for as the respondents are duly represented. However, extra copies be furnished.

The primary grievance expressed in this petition is that the land of the petitioners, which are not acquired, had also been taken possession of by the respondents and therefore, there is violation of Article 300-A of the Constitution of India.

Land was acquired for the purpose of Broad Gauge Railfed Depot.

Mr. Choudhury, learned senior counsel for the respondents, submits that the contention advanced by the petitioners is not correct. Possession was delivered long back on 27.02.2015 and the writ petition is filed after a gap of almost 11/2 years. It is submitted by him that boundary fencing had also been given and the entire land had been filled up and construction work is going on.

In view of the nature of dispute raised by the petitioners, the Deputy Commissioner, Cachar will file affidavit within the returnable period. Mr. T.C. Chutia will do the needful.

Other respondents may also file their respective affidavit(s).