

GAHC010157442022



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

Case No. : WP(C)/5189/2022

PRATAP BORTHAKUR AND 17 ORS.
SON OF PRAFULLA BORTHAKUR,
RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON, HEZARI MOUZA,
P.S. AND DISTRICT- JORHAT, ASSAM.

2: PABITRA BORTHAKUR
SON OF PRAFULLA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

3: SMT. KAMALA BORTHAKUR
DAUGHTER OF PRAFULLA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

4: SMT. MALA BORTHAKUR
DAUGHTER OF PRAFULLA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

5: SMT. RUMI BORTHAKUR
DAUGHTER OF KHAGEN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA

P.S. AND DISTRICT- JORHAT
ASSAM.

6: SMT. ROONEE BORTHAKUR
DAUGHTER OF LATE KHAGEN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

7: SMT. JHUMA BORTHAKUR
DAUGHTER OF LATE KHAGEN BORTHAKUR

REPRESENTED BY HER POWER OF ATTORNEY HOLDER
SMTI ROONEE BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

8: SMT. MAYA BORTHAKUR
WIFE OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

9: DEVAJYOTI BORTHAKUR
SON OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

10: DEVASISH BORTHAKUR
SON OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

11: SMT. RUNJUN BORTHAKUR @ PHUKON
DAUGHTER OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

12: SMT. SANGEETA BORTHAKUR
DAUGHTER OF LATE BIREN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

13: SMT. ANJU BORTHAKUR
WIFE OF LATE MAKHAN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

14: AMBARISH BORTHAKUR
SON OF LATE MAKHAN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

15: SMT. AMBALIKA BORTHAKUR
DAUGHTER OF LATE MAKHAN BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

16: JUNU BORTHAKUR
WIFE OF LATE AMULYA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

17: SMT. LEEMA BORTHAKUR
DAUGHTER OF LATE AMULYA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM.

18: SMT. SIMA BORTHAKUR @ MILEE BORTHAKUR
DAUGHTER OF LATE AMULYA BORTHAKUR

RESIDENT OF SARBAIBONDHA NAKARI BAMUNGAON
HEZARI MOUZA
P.S. AND DISTRICT- JORHAT
ASSAM

VERSUS

THE STATE OF ASSAM AND 16 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
JORHAT
DISTRICT- JORHAT
ASSAM.

3:THE ADDITIONAL DEPUTY COMMISSIONER (REVENUE)
JORHAT
- CUM- COMPETENT AUTHORITY
UNDER THE NATIONAL HIGHWAY ACT
1956
OFFICE OF THE DEPUTY COMMISSIONER
JORHAT.

4:DIPEN DUTTA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

5:DRUNA DUTTA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

6:NRIPEN DUTTA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

7:RATUL DUTTA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

8:DILIP SAIKIA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

9:DHRUBOJYOTI SAIKIA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

10:BAPORAM KALITA
SON OF KESHRAM KALITA

RESIDENT OF CHAKIHAT
RAJAMAIDAN
P.O.
P.S. AND DIST.- JORHAT

11:SMT. SARUMAIN KALITA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

12:NABAKANTA KALITA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA

JORHAT- 785001.

13:DEBO KALITA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

14:ABHIJIT KALITA
RESIDENT OF CHAKIHAT
SARBAIBONDHA GAON
J.B. ROAD
SARUCHARAI MOUZA
JORHAT- 785001.

15:BHOLARAM KALITA
SON OF LATE KESHRAM KALITA

RESIDENT OF CHAKIHAT
RAJAMAIDAN
P.O.
P.S. AND DIST.- JORHAT.

16:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF ROAD
TRANSPORT AND HIGHWAYS
TRANSPORT BHAWAN
1
PARLIAMENT STREET
NEW DELHI- 110001.

17:NATIONAL HIGHWAYS AUTHORITY OF INDIA
REGIONAL OFFICE GUWAHATI
NEDFI HOUSE
4TH FLOOR
G.S. ROAD
DISPUR
GUWAHATI- 781006.
ASSAM

Advocate for the Petitioner : MR. T J MAHANTA

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date :12/08/2022

Heard Mr. P.S. Deka, learned senior counsel assisted by Ms. P. Bhattacharyya, learned counsel for the writ petitioners.

Assailing the judgement dated 30/06/2022 passed by the learned District Judge, Jorhat, in LA Case No. 1/2018, the instant writ petition has been filed, *inter-alia*, contending that the impugned judgement suffers from perversity.

Mr. Deka, learned senior counsel for the petitioner, however, submits that there is no appellate provision and, therefore, his clients have been compelled to approach this Court by filing this writ petition.

Mr. R. Boro, learned Standing Counsel, NHAI (respondent no. 17) prays for some time to obtain instruction. Similar is the prayer of other departmental counsel(s) appearing in this case. Issue notice of motion returnable in six weeks.

Since Ms. N. Bordoloi, learned Standing Counsel, Revenue and DM Department, Assam has appeared and accepted notice on behalf of the respondent no. 1, Mr. S. Baruah, learned Government Advocate, Assam, has accepted notice on behalf of the respondent nos. 2 and 3, Mr. P.S. Bhattacharjee, learned CGC, has appeared on behalf of the respondent no. 16 and Mr. R. Boro, learned Standing Counsel, NHAI, has accepted notice on behalf of the respondent no. 17, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned departmental counsel (s) within one week from today.

Petitioners to take steps for service of notice upon the remaining respondents by registered post with A/D as well as usual process within one week.

Heard on the prayer of interim relief.

Considering the facts and circumstances of the case, operation of the impugned judgement

dated 30/06/2022 shall remain suspended until further order.

JUDGE

sukhamay

Comparing Assistant