

GAHC010157442022



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**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, MR B S DEKA,MR. A BORUA,MS. P BHATTACHARYA,MR. P S DEKA

**Advocate for the Respondent** : SC, REVENUE, MR. J I BORBHUIYA (r-10,12 to 15),MR. P BOIRAGI (r-10,12 to 15),MR. S J SARMAH (r-10,12 to 15),SC, NHAI,ASSTT.S.G.I.,GA, ASSAM

**BEFORE  
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

**ORDER**

**20.11.2025**

Mr. P.S. Deka, learned Senior Counsel assisted by Ms. P. Bhattacharya, learned counsel for the petitioner; Mr. A. Bhattacharya, learned Standing Counsel, Revenue & Disaster Management Department for the respondent nos. 1 & 3; Mr. H. Sarma, learned Additional Senior Government Advocate, Assam for the respondent no. 2; and Mr. R. Boro, learned counsel for the respondent no. 17 NHAH authorities are present.

As expressed by the learned counsel for the parties, list the case after a week.

The interim order passed earlier shall continue till the next date of listing.

**JUDGE**

**Comparing Assistant**