

GAHC010172922024



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

Case No. : WP(C)/4310/2024

MONUJ HASNU @ MANOJ HASNU
S/O- LATE DEKA RAM HASNU,
R/O- AMOLAPATTY, DIPHU, PIN-782460.
P.O AND P.S- DIPHU,
DIST- KARBI ANGLONG

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM,
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR, GUWAHATI-6.

2:THE PRINCIPAL SECRETARY
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
PIN-782460
KARBI ANGLONG
ASSAM

3:THE SECRETARY
TO THE REVENUE DEPARTMENT
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
PIN-782460
KARBI ANGLONG
ASSAM

4:THE JOINT SECRETARY
TO THE REVENUE DEPARTMENT
BEING THE COMPETENT AUTHORITY FOR LAND ACQUISITION
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
PIN-782460

KARBI ANGLONG
ASSAM

5:THE ASSISTANT REVENUE OFFICER
DIPHU REVENUE CIRCLE
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
PIN-782460
KARBI ANGLONG
ASSAM

6:THE GENERAL MANAGER
NATIONAL HIGHWAYS AND INFRASTRUCTURE DEVELOPMENT
CORPORATION LIMITED (NHIDCL)
DIPHU
PIN-782460
KARBI ANGLONG
ASSAM

7:THE DIVISIONAL FOREST OFFICER
KARBI ANGLONG
EAST DIVISION
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
PIN-782460
KARBI ANGLONG
ASSAM

8:THE SUPERINTENDENT OF POLICE
DIPHU
PIN-782460
KARBI ANGLONG
ASSA

Advocate for the Petitioner(s) : Mr. M.P. Choudhury

Advocate for the Respondent(s): Mr. J. Chutia, SC, KAAC

Mr. R. K. Talukdar

Ms. P. R. Mahanta

Ms. S Baruah, Government Advocate

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 28.08.2024

Issue notice making it returnable on 11.09.2024.

2. Ms. P.R. Mahanta, the learned counsel appears on behalf of the respondent No. 1, Mr. J. Chutia, the learned Standing Counsel, KAAC appears on behalf of the respondent Nos. 2,3,4,5 & 7. Mr. R. K. Talukdar, the learned counsel appears on behalf of the respondent No. 6 and Ms. S. Baruah, the learned Government Advocate appears on behalf of the respondent No. 8.

3. Taking into account that all the respondents are duly represented, extra copies of the writ petition be served upon them during the course of the day.

4. The instant writ petition is the third round of litigation. The grievance of the petitioner is specific that he has a plot of land ad measuring 20 Bighas in Dag No. 415 of Periodic Patta No. 81 of Village: Mohendijua NC in Borajan No.3 Mouza of Karbi Anglong District. It is the case of the petitioner that the respondent No. 6 has initiated construction over the land of the petitioner without carrying out of any acquisition proceedings. On the earlier occasion there has been directions issued by this Court for making spot verification but the spot verification which was made on 03.06.2024 also does not show that there was any spot verification to the effect where the petitioner's land is situated there is any construction carried out or not.

5. The learned counsel appearing on behalf of the petitioner submits that the question which ought to have been taken into consideration by the Officials of Karbi Anglong Autonomous Council in their spot verification as to whether any construction of the work has been carried out in the land belonging to the petitioner. However, certain extraneous materials have been taken into consideration in respect of Village: Mohendijua Block 4.

6. This Court has also perused the order dated 03.06.2024 and from the said order it is seen that the spot verification so carried out on 27.05.2024 was not only in absence of the petitioner, but also does not answer the question as to

whether in the land of the petitioner there is any construction carried out.

7. Mr. J. Chutia, the learned Standing Counsel, appearing on behalf of the Karbi Anglong Autonomous Council submits that on 07.09.2024 there would be a spot verification to be conducted on which date, the petitioner can very well participate and peruse the records. He submitted that till the next date no stay should be granted as sought for in the instant proceedings, taking into account the petitioner can very well verify on 07.09.2024.

8. In view of the above submission, this Court shall consider the interim prayer on 11.09.2024. In the meantime, the Karbi Anglong Autonomous Council, more particularly, the respondent No. 5 is directed to carry out the demarcation of the land of the petitioner and submit a report as to whether in the land of the petitioner there is any construction being carried out by the NHIDCL authorities.

9. List the matter on 11.09.2024.

JUDGE

Comparing Assistant