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

Case No. : PIL/37/2025

NAZRUL ISLAM BARBHUIYA
S/O- KAMAL UDDIN BARBHUIYA, VILL.- JAGADISHPUR PT- (V), P.O.-
JAGADISHPUR, DIST. CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 5 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, PUBLIC WORKS ROADS DEPARTMENT,
DISPUR, GUWAHATI-6.

2:THE SECRETARY TO THE GOVERNMENT OF ASSAM
PUBLIC WORKS ROADS DEPARTMENT
DISPUR, GUWAHATI-781006.

3:THE CHIEF ENGINEER
(ROADS) PWRD
ASSAM, CHANDMARI
GUWAHATI- 781003.

4:THE DISTRICT COMMISSIONER
CACHAR, SILCHAR
ASSAM, PIN-788001.

5:THE EXECUTIVE ENGINEER
PWRD
BORKHOLA AND KATIGORAH TERRITORIAL ROAD DIVISION
KATIGORAH, DIST- CACHAR
ASSAM. PIN- 788805.

6:ALTAF HUSSAIN LASKAR
VILL. BHATIRKUPA PT. III
HOUSE NO. 100, P.O.- BHATIRKUPA
P.S.- HAILAKANDI, DIST. HAILAKANDI

ASSAM, PIN-788152

For the appellant/petitioner(s) : Mr. N. H. Borbhuiya, Advocate

For the Respondent(s) : Mr. D. Nath, SC, PWD
Mr. A. H. Laskar, Advocate

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

20.01.2026

(Ashutosh Kumar, CJ)

We have heard Mr. N. H. Borbhuiya, learned Advocate for the petitioner, and Mr. D. Nath, learned Standing Counsel, PWD, for the respondents.

An NIT dated 03.01.2024 was issued by the respondents inviting bids for construction of several roads in Assam, including in Cachar District. The respondent No. 6 was selected as the concessionaire for execution of 5 (five) works in the District of Cachar within a period of twelve months. One of such works is the construction of a road from Karigorah Harinagar (KH) at Cheragi Bazar to Jagadishpur Point-V. A detailed project report was prepared incorporating the estimated expenditure, including the cost of earthwork.

Though the work was commenced by the contractor, but he chose to begin the construction from the end point instead of the starting point of the road, on the plea that there is an irrigation canal at the starting point and that it would require humongous efforts and high cost for earth filling. As a result of such procedure adopted by the contractor, the road still remains unconnected between the two points.

The objection raised by the contractor has been contested and it has been argued that the starting point of the road in question actually falls on Patta land. This fact also has been disputed and it is projected that, perhaps, the land, from where the road has to start, belongs to the Irrigation Department.

This fact appears to be correct, as the Executive Engineer, Borkhola & Katigorah (Irrigation), by his letter dated 17.03.2025 has granted No Objection Certificate for construction of the road in public interest.

At the time of filing of the writ petition, only 36% of the work had been completed.

The affidavit filed on behalf of the respondent on 07.01.2026, however, indicates that the construction of the road is going on and, in every likelihood, the work would be completed before 10.03.2026, which is the time limit given to the contractor for completion of the work.

Considering this stand of the State, we do not wish to continue with this writ petition any further, but with a liberty to the petitioner to approach this Court again with a two-pages affidavit for reviving this case, in the event of the construction of the road not being completed within the stipulated time.

This PIL stands disposed of accordingly.

JUDGE

CHIEF JUSTICE

Comparing Assistant