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

Case No. : WP(C)/5682/2016

PATARKUCHI VILLAGE DEFENCE PARTY and ANR
REP. BY ITS PRESIDENT, VILL. PATARKUCHI, P.O. and P.S. BASISTHA, DIST.
KAMRUPM, ASSAM.

2: SRI DILIP KUMAR BHATTACHARYA
THE PRESIDENT OF PATARKUCHI VILLAGE DEFENCE PARTY

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER and SECRETARY TO THE GOVT. OF ASSAM,
DEPTT. OF REVENUE SETTLEMENT, DISPUR, GUWAHATI-781006.

2:THE DEPUTY COMMISSIONER
KAMRUPM
GUWAHATI - 781001.

3:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
BASISTHA CHARIALI
GUWAHATI-781028.

4:SHRI GHANAKANTA KALITA
S/O. LATE DHAIRJYARAM KALITA
R/O. RIVER RESOURCES COLONY
BELTOLA
GUWAHATI-08.

5:SHRI KAVYA KANTA GOGOI
S/O. LATE UMA KANTA GOGOI
R/O. SOURAV NAGAR
BELTOLA
GUWAHATI-28.

6:SMTI. INDRANI GOGOI
W/O. SHRI KAVYA KANTA GOGOI
R/O. SOURAV NAGAR
BELTOLA
GUWAHATI-28

7:SHRI BIDYADHAR KUMBHAKAR
S/O. UNKNOWN
R/O. PATARKUCHI
BASISTHA
GUWAHATI-28.

8:SMTI. INDRA DEVI KUMBHAKAR
W/O. SHRI BIDYADHAR KUMBHAKAR
R/O. PATARKUCHI
BASISTHA
GUWAHATI-28

Advocate for the Petitioner : MR. A DEKA, MR. M CHIRING,MR. D C C PHUKAN,MRS. J GOGOI,MR. U BHATTACHARYA

Advocate for the Respondent : MS. M BHATTACHARJEE, (ADDL. SR. GA, ASSAM), MR. A K SARMA (R-4 to R-8),MS. N KALITA (R-4 to R-8),MR. H J TAMULI (R-4 to R-8),MR. D KALITA (R-4 to R-8)

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
ORDER

16.06.2025

1. The issue involved in this writ petition is as regards encroachment of public road by the petitioner and resultant eviction proceeding. Such eviction proceeding was initiated at the request of respondent Nos. 4 to 8, who were also residents of the same locality and it is their case that public road has been encroached by the petitioner. Affidavits are exchanged.
2. During the course of hearing, amongst others, a trace map is produced with new dag and patta numbers, which shows that the road, which stated to be

encroached by the petitioner is under Dag No. 1461 and it connects the plot of the petitioner, which is as per the map is under Dag No. 1719. So far relating to the lands of the respondent Nos. 4 to 8, their lands consist in Dag Nos. 1464, 1462, 1473, 1460 and 1459. From the map, what is seen is that the road shown in the map starts from the middle of dag No. 1462 belonging to the on the respondents and ends at Dag No. 1719 i.e. the land of the petitioner. From the map, it is not discernible how the same can be a private road, when it does not connect with any other road but two private patta land.

3. At this stage, Mr. H Sarma, learned Government Advocate submits that he will complete his instruction and file a detail affidavit based on such map and record.
4. The instruction produced by Mr. Sarma be returned back including the map so as to file an affidavit. A Xerox copy of the same be kept on record.
5. List the matter after the ensuing summer vacation on a date to be fixed by the Registry.

JUDGE

Comparing Assistant