

GAHC010207482019



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

Case No. : WP(C) 6390/2019

1:ABHIJIT BHAGAWATI
S/O- LT RAJANI BHAGAWATI, R/O- KOCHGAON, OPP. BORA NURSING
HOME, BISWANATH CHARIALI- 784176, DIST- BISWANATH CHARIALI,
ASSAM

VERSUS

1:THE STATE OF ASSAM AND 5 ORS.
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, TOURISM
DEPTT., DISPUR, GHY-6

2:PRINCIPAL SECRETARY
TOURISM DEPTT.
GOVT. OF ASSAM
JANATA BHAWAN
D-BLOCK
THIRD FLOOR DISPUR
GHY-5
DIST- KAMRUP (M)
ASSAM

3:THE ASSAM TOURISM DEVELOPMENT CORPORATION LTD.
ASOM PARYATAN BHAWAN
4TH FLOOR
A.K.AZAD ROAD
PALTAN BAZAR
GHY-8

4:THE MANAGING DIRECTOR
THE ASSAM TOURISM DEVELOPMENT CORPORATION LTD.
ASOM PARYATAN BHAWAN
4TH FLOOR
A.K.AZAD ROAD
PALTAN BAZAR

GHY-8
DIST- KAMRUP (M)
ASSAM

5:THE GENERAL MANAGER
THE ASSAM TOURISM DEVELOPMENT CORPORATION LTD.
ASOM PARYATAN BHAWAN
4TH FLOOR
A.K.AZAD ROAD
PALTAN BAZAR
GHY-8
DIST- KAMRUP (M)
ASSAM

6:THE TOURIST INFORMATION OFFICER
THE ASSAM TOURISM DEVELOPMENT CORPORATION LTD.
TEZPUR
SONITPU

Advocate for the Petitioner : MR. M SARMA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

02.09.2019

Heard Mr. M. Sarma, learned counsel for the writ petitioner.

Aggrieved by cancellation of the contract and initiation of coercive measures against the petitioner, the instant writ petition has been filed inter-alia contending that the writ petitioner has not accepted any compensation on account of the land but whatever amount has been received by him is purely on account of the Assam Type house constructed by him and also the trees planted by the petitioner.

Mr. Sarma submits that if the respondents had any grievance in the

matter, it was open for them to take recourse to the process under the law for recovery of such amount but instead, the respondents have, lodged an F.I.R. against the petitioner only to harass him and are now threatening further coercive action against him.

I have perused the statements made in the writ petition and have also considered the submission of the learned counsel for the petitioner.

Issue notice of motion returnable in four weeks.

Ms. K. Phukan, learned Govt. Advocate, Assam, has entered appearance and accepted notice on behalf of respondent Nos.1 and 2. As such, no formal notice is required to be sent to the said respondents. However, extra copies of the writ petition, requisite in number, be furnished to the learned Govt. Advocate within three days from today so as to enable her to obtain instruction.

Petitioner to take steps for service of notice upon the respondent Nos.3 to 6 by registered post with A/D as well as by usual process within a week from today.

Heard on the prayer of interim relief.

Considering the facts and circumstances of the case, it is hereby provided that no further coercive action be taken against the petitioner pertaining to the amount of compensation received by him, without obtaining the leave of this Court.

JUDGE