

GAHC010240752022



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

Case No. : WP(C)/7566/2022

LAL BHADUR CHOUHAN
S/O SHRI SEW KARAN CHOUHAN, R/O DIPHU TOWN, MOUZA-
JAMUNAPAR, P.O. AND P.S.-DIPHU, DIST- KARBI ANGLONG, ASSAM

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE SECRETARY TO THE GOVT. OF ASSAM, REVENUE
DEPARTMENT, DISPUR, GUWAHATI-6

2:THE NORTH EAST FRONTIER RAILWAY
REPRESENTED BY ESTATE OFFICER
N.F. RAILWAY
LUMDING
DIST- NAGAON
ASSAM

3:THE GENERAL MANAGER
N.F. RAILWAY
MALIGAON
P.O. AND P.S.-MALIGAON
DIST- KAMRUP
ASSAM

4:THE ESTATE OFFICER
NF RAILWAY
LUMDING
P.O.-LUMDING
DIST- KARBI ANGLONG

5:THE DEPUTY COMMISSIONER
KARBI ANGLONG

P.O.-DIPHU
DIST- KARBI ANGLONG
ASSAM

6:THE UNION OF INDIA
REPRESENTED BY THE SECRETARY TO THE MINISTRY OF RAILWAY
DEPARTMENT
NEW DELH

Advocate for the Petitioner : MR. A R SIKDAR

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA**

ORDER

25.11.2022

Heard Mr. AR Sikdar, learned counsel for the petitioner. Also heard Ms. G Hazarika, learned counsel for the respondent No.1 being the authorities under the Revenue Department, Government of Assam and Mr. K Gogoi, learned counsel for the respondents No.2, 3, 4 and 6 being the authorities under the Railway Department, Government of India as well as Mr. N Goswami learned counsel for the respondent No.5 being the Deputy Commissioner, Karbi Anglong.

2. The petitioner is admittedly occupying a plot of Government Khas land measuring 1 ½ Katha near Diphu and claims that the occupation has been on since the year 1975 and is having their residential premises over the land. The boundary of the land is described as extracted:

On the North : NF Railway Godown

On the South : Dhanbahadur Thapa & Diphu Club

On the West : Labina Hotel

On the East : Sri Sitala Mandir

3. The petitioner is aggrieved by the communication dated 16.11.2022 from the Estate Officer, NF Railway Lumding made to the Deputy Commissioner, Diphu, Karbi Anglong providing that the petitioner is in occupation of Railway land and that all the proceedings under the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (for short, the Act of 1971) had been completed and accordingly a request is made to the Deputy Commissioner, Diphu to evict the petitioner.

4. In order to understand the correctness of the order dated 16.11.2022, the Railway authorities to produce the records, firstly, which may provide that the land-in-question is a railway land, secondly, as to what procedure of law under the Act of 1971 had been undertaken prior to the communication dated 06.11.2022 being issued.

5. Till the next date fixed, the communication dated 16.11.2022 shall not be acted upon.

6. Further order shall be considered after production of the records.

7. List on 14.12.2022 as prayed for.

JUDGE

Comparing Assistant