

GAHC010255482023



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

Case No. : WP(C)/6622/2023

ANIL CHANDRA KALITA AND 2 ORS.
S/O- LATE MADHURAM KALITA, R/O- VILL.- MAJIRGAON, P.O.
MAGIRGAON, P.S. AZARA, DIST. KAMRUP(M), ASSAM

2: KANAK KALITA
S/O- LATE BHUMIDHAR KALITA
R/O- VILL.- MAJIRGAON
P.O. MAGIRGAON, P.S. AZARA
DIST. KAMRUP(M), ASSAM

3: MOHINI KALITA
D/O- LATE KAMESWAR KALITA
R/O- VILL.- MAJIRGAON
P.O. MAGIRGAON, P.S. AZARA
DIST. KAMRUP(M), ASSAM

VERSUS

THE STATE OF ASSAM AND 15 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-781006.

2:THE DISTRICT COMMISSIONER CUM COLLECTOR
KAMRUP (METRO), HENGRABARI, GUWAHATI-781006.

3:THE ADDITIONAL DISTRICT COMMISSIONER-IN-CHARGE
LAND ACQUISITION BRANCH, KAMRUP (METRO)
HENGRABARI, GUWAHATI, ASSAM-781006.

4:THE CIRCLE OFFICER
AZARA REVENUE CIRCLE, AZARA
KAMRUP(METRO), ASSAM-781017.

5:MD. MINAR ALI
S/O- LATE MOBARAK ALI
R/O- VILL.- GARAL, LOWER MIRZAPUR
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM-781017.

6:LUTFAR RAHMAN
S/O- MINAR ALI
R/O- VILL.- GARAL, LOWER MIRZAPUR
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM-781017.

7:MAKANI BIBI
W/O- MD. HIKMAT ALI
R/O- VILL.- GARAL, LOWER MIRZAPUR
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM-781017.

8:HIKMAT ALI
S/O- BASIR ALI
R/O- VILL.- GARAL, LOWER MIRZAPUR
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM-781017.

9:MD. SAUKAT ALI
S/O- MANZIL ALI
R/O- VILL.- GARAL, LOWER MIRZAPUR
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM-781017.

10:MD. NAZIRUL ISLAM
S/O- MD. MUBARAK ALI
R/O- VILL.- GARAL, LOWER MIRZAPUR
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM-781017.

11:SAKIA SULTANA
W/O- MD. MINAR ALI
R/O- VILL.- GARAL, LOWER MIRZAPUR
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM-781017.

12:KAMAL DAS
S/O- LATE GOPAL BAISHYA
R/O- VILL.- BHATTAPARA
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM
PIN- 781017.

13:KRISHNA RAM DAS
S/O- GOPAL BAISHYA
R/O- VILL.- BHATTAPARA
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM
PIN- 781017.

14:JADAB DAS
S/O- LATE GOPAL BAISHYA
R/O- VILL.- BHATTAPARA
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM
PIN- 781017.

15:BHUPEN DAS
S/O- LATE GOBINDA DAS
R/O- VILL.- BHATTAPARA
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM
PIN- 781017.

16:RAMESH DAS
S/O- LATE GOBINDA DAS
R/O- VILL.- BHATTAPARA
P.O. BHATTAPARA, P.S. AZARA
DIST. KAMRUP(METRO), ASSAM
PIN- 781017

Advocate for the Petitioner : MR P KALITA
Advocate for the Respondent : GA, ASSAM

- B E F O R E -

HON'BLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

17.11.2023

Heard Shri P. Kalita, learned counsel for the petitioners, who are aggrieved by an order dated 17.10.2023 passed by the Additional District Commissioner, Kamrup

(M), by which the objection of the petitioner No.3 has been rejected.

Learned Additional District Commissioner has observed that the objection with regard to apportionment of the compensation of land acquisition cannot be entertained inasmuch as the plot of land in question was transferred to a third party by a registered sale deed by the brothers of petitioner No.3.

The record does not reveal that any steps had been taken by the petitioners for challenging the registered sale deed in the appropriate forum of law.

Be that as it may, let notice be issued, returnable by 4(four) weeks.

Ms. P.R. Mahanta, learned Standing Counsel, Revenue Department accepts notice on behalf of respondent No.1; whereas Ms. S. Baruah, learned State Counsel accepts notice on behalf of respondent Nos.2, 3 and 4.

Let extra copies of the writ petition be served upon the learned counsel for the respondents by tomorrow.

Let steps for service of notice upon the respondent Nos.5 to 16 be taken by registered post with A/D.

Steps by Monday next, i.e. 20.11.2023.

JUDGE

Comparing Assistant