

GAHC010269092022



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

Case No. : WP(C)/8426/2022

BALEN KALITA AND 4 ORS
S/O- HARIDAS KALITA,
RESIDENT OF VILL. BOR TEZPUR, (NUW-VITHA),
MOUZA- RAMPUR, REVENUE CIRCLE- PALASHBARI,
P.S.- PALASHBARI, MIRZA,
P.O.- PALASHBARI, DIST- KAMRUP,
ASSAM, PIN- 781132.

2: DIPAK KALITA
S/O- LT. KAMALA KALITA

RESIDENT OF VILL. BOR TEZPUR
(NUW-VITHA)

MOUZA- RAMPUR
REVENUE CIRCLE- PALASHBARI

P.S.- PALASHBARI
MIRZA

P.O.- PALASHBARI
DIST- KAMRUP

ASSAM
PIN- 781132.

3: RUPAK KALITA
S/O- LT. KAMALA KALITA

RESIDENT OF VILL. BOR TEZPUR
(NUW-VITHA)

MOUZA- RAMPUR
REVENUE CIRCLE- PALASHBARI

P.S.- PALASHBARI
MIRZA

P.O.- PALASHBARI
DIST- KAMRUP

ASSAM
PIN- 781132.

4: SAILEN KALITA
S/O- HARIDAS KALITA

RESIDENT OF VILL. BOR TEZPUR
(NUW-VITHA)

MOUZA- RAMPUR
REVENUE CIRCLE- PALASHBARI

P.S.- PALASHBARI
MIRZA

P.O.- PALASHBARI
DIST- KAMRUP

ASSAM
PIN- 781132.

5: SHANTI KALITA
C/O- LATE JAYRAM KALITA

RESIDENT OF VILL. BOR TEZPUR
(NUW-VITHA)

MOUZA- RAMPUR
REVENUE CIRCLE- PALASHBARI

P.S.- PALASHBARI
MIRZA

P.O.- PALASHBARI
DIST- KAMRUP

ASSAM
PIN- 781132

VERSUS

UNION OF INDIA AND 5 ORS
REPRESENTED BY THE SECRETARY,
MINISTRY OF RAILWAYS OF INDIA.

2:GENERAL MANAGER
N.F. RAILWAY HEADQUARTERS
MALIGAON
ASSAM.

3:THE STATE OF ASSAM
SECRETARY/ COMMISSIONER

DEPARTMENT OF LAND REVENUE

GOVT. OF ASSAM

DISPUR
GUWAHATI- 06
ASSAM.

4:THE DEPUTY COMMISSIONER

AMINGAON
KAMRUP
ASSAM.

5:THE ADDITIONAL DEPUTY COMMISSIONER (LAND ACQUISITION)
AMINGAON
KAMRUP
ASSAM.

6:LAND ACQUISITION OFFICER

OFFICE OF THE DEPUTY COMMISSIONER
AMINGAON
KAMRUP
ASSAM

Advocate for the Petitioner : MR. A K DAS

Advocate for the Respondent : DY.S.G.I.

**BEFORE
HONOURABLE MR. JUSTICE KALYAN RAI SURANA**

ORDER

Date : 09-01-2023

Heard Mr. MJ Gogoi, learned counsel for the petitioners.

By filing this writ petition under Article 226 of the Constitution of India, the petitioners have projected that the portion of their patta land was acquired for construction of railway track for Guwahati Jogighopa railway line vide notification No. KRA 45/2007, which was issued in the year 2007, but till date land acquisition compensation has not been paid to the petitioners.

Pursuant to order dated 02.01.2023, the learned counsel for the petitioner has produced a certified copy of the trace-map which discloses that a part of patta land of Dag No. 1046 is under the occupation of the railways. The petitioner shall file an affidavit to bring on record the said trace-map.

Issue notice of motion, returnable on 03.02.2023.

Mr. CKS Baruah, learned CGC accepts notice on behalf of respondent Nos. 1 and 2, Ms. G Hazarika, learned Government Advocate appears on behalf of respondent No. 3 and Mr. K Gogoi, learned Government Advocate appears on behalf of respondent Nos. 4, 5 and 6.

Requisite extra copies be served upon the learned counsel for the respondents during the course of the day.

Pendency of the writ petition shall not be a bar for the respondent No. 3 to enquire into the non-payment of land acquisition compensation to the petitioner, for which the petitioners shall produce a certified copy of this order along with a copy of this writ petition before the Deputy Commissioner, Kamrup,

Amingaon (respondent No. 3).

List the matter on ***3rd February, 2023.***

JUDGE

Comparing Assistant