

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

For the petitioner (s) : Mr. M. J. Gogoi, Advocate

For the respondent (s) : Mr. H. Sarma, Govt. Advocate
Mr. R. K. D. Choudhury, Dy. SGI

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

09.08.2024

Heard Mr. M. J. Gogoi, the learned counsel appearing on behalf of the petitioners. Mr. H. Sarma, the learned counsel appears on behalf of the District Administration, Kamrup (Rural). Mr. R. D. K. Choudhury, the learned counsel appears on behalf of the Railway Authorities.

2. The petitioners herein have filed the instant writ petition claiming compensation in respect to a plot of land belonging to the petitioners which has been alleged to have taken over without following the due process. On the other hand, a perusal of the affidavit-in-opposition filed by the respondent Railway Authorities shows that the lands in question were acquired in respect to LA Case No.29/88, and in that regard, due payment was made to the District Commissioner, Kamrup, Guwahati amounting to Rs.12,63,469/- vide the cheque No.020132/0003 dated 06.01.1992 vide Railway Office letter of even number 204 dated 31.01.1992 for village Tezpur. However, it is seen that the entire edifice of the petitioners case is on the basis of a document issued by the Circle Officer Palasbari Revenue Circle dated 25.05.2007 wherein it has been stated that Dag No.1046 contains a total plot of land measuring 4 bighas 3 kathas and there was no proposal for acquisition of the same and railway tracks were found running through the portion of the said land. The reference made in the communication is some document bearing KRA.45/2007 dated 15.05.2007. Taking into account the specific case stated in the affidavit filed by the Railway Authorities whereby it has been stated that the land had been

acquired as far back in the year 1988, the respondent District Administration is directed to file an affidavit as to whether the acquisition proceedings which were initiated in terms with LA Case No.29/88 included the land which is the subject matter of the instant writ petition as well as WP(C) No.3979/2024.

3. This Court further finds it very pertinent to observe that the petitioners herein have not been able to show any document prior to the initiation of the acquisition proceedings LA Case No.29/88 wherein the petitioner or their predecessor-in-interest's names were recorded.

4. List the matter again on 11.09.2024.

5. The affidavit be filed by the respondent District Administration by 09.09.2024 without fail. In addition to that, this Court shall also hear on the maintainability of the instant writ petition on the ground of delay and laches.

JUDGE

Comparing Assistant