

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 SANJAY KUMAR MEDHI**

ORDER

19.05.2023

Heard Shri AK Das, learned counsel for the petitioners, who have also filed IAs for certain interim directions. The case of the petitioners is that they are sought to be evicted from the land under their possession.

2. On the other hand, Shri CKS Baruah, learned CGC appearing for the Railways, by referring to the affidavit-in-opposition filed on 06.05.2023 submits that though the land had originally belonged to the predecessors of the present petitioners, the same was acquired long time back in the year 1988 and the amount of compensation for such acquisition was also disbursed by the requiring authority to the Deputy Commissioner for onward payment. He accordingly submits that there is no cause of action in this writ petition.

3. In view of the fact that, Shri Das, learned counsel for the petitioners had denied receipt of any such payment, it appears that the Deputy Commissioner, Kamrup to be the appropriate authority from whom the instructions are required to be obtained.

4. In view of the same, Ms. S. Sarma, learned State Counsel prays for and is granted 2(two) weeks' time to obtain the instructions on the matter of release of compensation amount to the petitioners.

5. Since the pleaded case of the petitioners that they are yet to receive the amount, the records pertaining to the payment may also be obtained and placed before this Court.

6. List this case on 09.06.2023.

JUDGE

Comparing Assistant