

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 : 24.04.2024

None appears on call for the petitioner.

2. However, Ms. P. R. Mahanta, learned standing counsel for the Revenue Department; Mr. H. Gupta, learned CGC appearing for respondent nos.1 and 2; and Ms. S. Baruah, learned Govt. Advocate appearing for respondent nos.4, 5 and 6 are present.

3. On a perusal of the affidavit-in-opposition filed by the respondent no.2, it appears that the relevant land covered by Dag no.1046 was a Govt. Land that was acquired in the year 1988. Therefore, the respondent no.2 has questioned as to how the said Govt. Land covered by Dag no.1046 could have been made a patta land in favour of the petitioners as revealed from the copy of jamabandi issued on 27.07.2009.

4. If the allegations made therein is correct, it is serious.

5. In view of the said disclosure as made in the affidavit-in-opposition by the respondent no.2, the learned standing counsel for the Revenue Department as well as the learned Govt. Advocate prays for and are granted time till 15.05.2024 to have specific instructions on the stand taken by the respondent no.2.

6. The learned CGC shall provide the extra copy of the said affidavit-in-opposition of the respondent no.2 to the learned Govt. Advocate as well as the

standing counsel for the Revenue Department within 2 (two) days.

7. List on 15.05.2024.

JUDGE

Comparing Assistant