

GAHC010305042019



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

Case No. : PIL/74/2019

ON THE DEATH OF SANTI LAL ACHARJEE, HIS LEGAL HEIR SMTI. SUMITA ACHARJEE
D/O LATE SANTI LAL ACHARJEE, R/O DARIKAPAR KHATAPATHAR,
MOUZA NAGARMAHAL, P.O.- NAMTIAL PATHAR, P.S. AND DIST-
SIVASAGAR, ASSAM, PIN-785697

VERSUS

THE STATE OF ASSAM AND ORS
THROUGH THE SECY, DEPTT. OF MUNICIPAL ADMINISTRATION GOVT. OF
ASSAM, ASOM SACHIVALAYA, DISPUR, GHY-6.

2:TO THE SECY.-IN-CHARGE
DEPT. OF URBAN DEVELOPMENT
GOVT. OF ASSAM
ASOM SACHIVALAYA
DISPUR
GHY-6.

3:DEPUTY COMMISSIONER
SIVASAGAR DISTRICT
P.O. AND DIST. SIVASAGAR
ASSAM

4:DISTRICT MEDICAL OFFICER
CIVIL HOSPITAL
SIVASAGAR
P.O. AND DIST. SIVASAGAR
ASSAM

5:DISTRICT-IN-CHARGE
POLLUTION CONTROL BOARD

MELACHAKAR
SIVASAGAR
P.O. AND DIST. SIVASAGAR
ASSAM

6:SIVASAGAR MUNICIPAL BOARD
REP. BY THE CHAIRMAN
P.O. AND DIST. SIVASAGAR
ASSAM

7:SIVASAGAR DEVELOPMENT AUTHORITY
REP. BY THE CHAIRMAN
CENTRAL MARKET
SIVASAGAR
P.O. AND DIST. SIVASAGAR
ASSAM

8:THE UNION OF INDIA

REPRESENTED BY THE SECRETARY
MINISTRY OF HOUSING AND URBAN AFFAIRS
GOVERNMENT OF INDIA
NEW DELHI-110001

Advocate for the Petitioner : MR G P BHOWMIK

Advocate for the Respondent : MR.T J MAHANTA

- B E F O R E -

HON'BLE THE CHIEF JUSTICE MR. R.M. CHHAYA
HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

19.07.2022

(R.M. Chhaya, CJ)

Heard Ms. J. Purkayastha, learned counsel for the petitioner. Also heard Mr. R.K. Borah, learned Additional Senior Government Advocate, Assam as well as Mr. P.P. Dutta, learned counsel for the respondent No.6.

Pursuant to the order dated 31.05.2022 passed by this Court, Mr. R.K. Borah, learned Additional Senior Government Advocate, Assam has placed an order dated 18.07.2022 passed by the Addl. Deputy Commissioner (R), Sivasagar which shows that a piece of land measuring 07B-00K-00L covered by General Sarkari Dag No. 474 of Bongali Gaon under Thowra Mouza of Demow Revenue Circle has been earmarked for the purpose of setting up Solid Waste Management Project subject to approval of SDLAC, Sivasagar. By the order aforesaid dated 18.07.2022, the Circle Officer, Demow Revenue Circle has been directed to hand over advance possession of the land to the concerned authority and to submit a report accordingly.

As against this, Mr. P.P. Dutta, learned counsel for the respondent No.6 states that the possession of the land is yet to be taken.

The modalities in terms of the order dated 18.07.2022 passed by the Addl. Deputy Commissioner (R), Sivasagar may be completed by the respondent No.6 and a report to this effect be submitted to this Court on the next date of hearing.

Adjourned to **22.07.2022.**

JUDGE

CHIEF JUSTICE

Comparing Assistant