
(2021) 06 GAU CK 0160

In the Gauhati High Court

Case No : Writ Petition (Civil) No. 3182 Of 2021

Sunil Rajbhor And 28 Ors.

APPELLANT

Vs

State Of Assam And 6 Ors.

RESPONDENT

Date of Decision : 28-06-2021

Acts Referred:

Citation : (2021) 06 GAU CK 0160

Hon'ble Judges : Suman Shyam, J

Bench : Single Bench

Advocate : S P Roy

Judgement

Heard Mr. S. P. Roy, learned counsel for the writ petitioners. Also heard Mr. N. Upadhyay, learned Standing Counsel, Irrigation Department, Assam,

appearing for the respondent Nos.1 and 2, Mr. J. Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council (KAAC), appearing for the

respondent Nos.3 to 6 and Mr. K. Goswami, learned Addl. Sr. Govt. Advocate, Assam, appearing for the respondent No.7.

The writ petitioners are admittedly in occupation of Government land. According to Mr. Roy, the petitioners are residing over the land in question for

more than 150 years by constructing dwelling houses thereupon. Although there is no necessity for vacating the said plot of land due to public work, an

attempt is being made by the departmental authorities to illegally evict the petitioners from the land without following the due process of law. On such

count, Mr. Roy has prayed for an interim order of protection in this case.

Mr. J. Chutia, learned Standing Counsel, KAAC, prays for two weeks time to obtain instruction by contending that the petitioners are illegal

encroachers. The learned Standing Counsel, however, submits that till the next

date fixed no demolition of standing residential houses will be carried out.

In view of the above, issue notice of motion returnable on 16.07.2021.

Since the respondents are already represented, no formal notice is required to be sent in this case. However, extra copies of the writ petition, requisite in numbers, be furnished to the learned Standing Counsel within three days from today so as to enable them to obtain instruction.

Heard on the prayer of interim relief.

Having regard to the facts and circumstances of the case, it is hereby provided that the respondents shall not demolish any dwelling house/residential construction of the petitioners standing upon the land in question till the returnable date.

List again on 16.07.2021 as a fixed item.