

GAHC010132652024



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

Case No. : I.A.(Civil)/2081/2024

ANIL DAS,
DIRECTOR OF ANIL DAS CONSTRUCTIONS PRIVATE LIMITED, HAVING ITS
REGISTERED ADDRESS AT BORNIL TOWER, MIRZA PALASHBARI ROAD,
MIRZA, KAMRUP-781125, ASSAM

VERSUS

RAMJI RAY AND ORS
S/O-LATE HARIKISHAN RAY, R/O- DHANTOLA, P.O. JHAROBORI,
BIJAYNAGAR, MOUZA- CHAYANI, DIST. KAMRUP, ASSAM-781122.

2:ANURAG JAIN

SECRETARY
MINISTRY OF ROAD TRANSPORT AND HIGHWAYS
HAVING ITS PRINCIPAL OFFICE AT TRANSPORT BHAWAN
PARLIAMENT STREET
NEW DELHI-110001.

3:SANTOSH KUMAR YADAV
CHAIRMAN OF THE NATIONAL HIGHWAY AUTHORITY
HACING ITS OFFICE AND PRINCIPAL PLACE OF BUSINESS AT
TRANSPORT BHAWAN
PARLIAMENT STREET
NEW DELHI-110001.

4:SMTI. GAYATREE BORI BORA
ADDITIONAL CHIEF SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GHY-781006.

5:GYANENDRA TRIPATHI
PRINCIPAL SECRETARY TO THE GOVERNMENT OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GHY-781006.

6:DR. KARUNA KUMARI
SECRETARY
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GHY-781006.

7:ALAKANANDA MEDHI
THE DEPUTY SECRETARY TO THE GOVERNMENT OF ASSAM
LAND ACQUISITION BRANCH
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
ASSAM SECRETARIAT
DISPUR
GHY-781006.

8:SMTI KEERTHI JALLI
THE DISTRICT COMMISSIONER/COLLECTOR
KAMRUP
AMINGAON.

9:KAMAL BARUA
THE ADDL. DISTRICT COMMISSIONER CUM LAND ACQUISITION
OFFICER FOR NATIONAL HIGHWAY-37
KAMRUP
AMINGAON

Advocate for the Petitioner : MAHSIN UL EKHTYAR BHUYAN, MR K BHUYAN,MR. M U E BHUYAN

Advocate for the Respondent : SC, REVENUE,

Linked Case : Cont.Cas(C)/175/2024

RAMJI RAY
S/O-LATE HARIKISHAN RAY

R/O- DHANTOLA
P.O. JHAROBORI
BIJAYNAGAR
MOUZA- CHAYANI
DIST. KAMRUP
ASSAM-781122.

VERSUS

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KAMRUP

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DIRECTOR OF ANIL DAS
CONSTRUCTIONS PRIVATE LIMITED
HAVING REGISTERED ADDRESS AT BORNIL TOWER
MIRZA PALASHBARI ROAD
MIRZA
KAMRUP-781125
ASSAM

Advocate for : MR. S P ROY

Advocate for : MR. D SAIKIA (r appearing for 3) SMTI GAYATREE BORI BORA

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

02.12.2024

Heard Mr. J. Das, learned counsel for the petitioner. Also heard Mr. S. Dutta, learned counsel for the respondents No. 4 to 8.

This contempt petition has been filed alleging willful disobedience of the order dated 12.03.2024 passed in W.P(C) No. 1058/2024. By the said order, parties were directed to maintain the status quo with regard to the land in question.

It is submitted that notwithstanding the status quo order issued, the respondents violated the directions and did not comply with the said order. Accordingly, the contempt petition was filed.

Subsequently, the writ petition being W.P.(C) No. 1058/2024 came to be disposed of by order dated 03.04.2024 along with an I.A(C) No. 946/2024. By the said order, the following directions were issued:

“7. Accordingly, this writ petition stands disposed of at the motion stage by

directing the Addl. District Commissioner-cum-Land Acquisition Officer for National Highway-37 (respondent no.8) that the said authority shall take appropriate steps as may be required for hearing the parties on objection submitted by the petitioner on 20.12.2023 and to make an endeavour to dispose of the said objection filed by the petitioner within the outer limit of 31.05.2024. While disposing of the said objection, the said authority shall also consider the grievance of the petitioner that the land under Dag no.20 of Patta no.94 was not acquired.

8. The National Highway Authority of India (respondent no.2) is also directed to take note of the stand of the petitioner that land under Dag no.20 of Patta no.94 of village Dhanthola, Mouza Chayani, District-Kamrup was not acquired. Therefore, the authorities under the NHAI shall exclude the said part of the land of the petitioner from any coercive steps which is envisaged by the NHAI, unless the said land is covered by notification as envisaged under section 3D of the National Highways Act, 1956.

9. It is clarified that as the learned standing counsel for the NHAI has demonstrated that except for land covered by Dag no.20, all other land of the petitioner is covered by notification issued under section 3D of the National Highways Act, 1956, by operation of law whose lands stands vested in the government and therefore, there shall be no impediment against the NHAI on their National Highway construction. Therefore, except for land covered by Dag no.20 of Patta no.94 of village Dhanthola, Mouza Chayani, District-Kamrup in respect of which the order of status-quo passed on 12.03.2024 shall continue till issuance of notification under 3D of the National Highways Act, 1956, the order of status-quo in respect of remaining land covered by Dag nos.67, 22, 63, 42, 62 and 66 of KP Patta nos.110, 95, 48, 39, 99 and 100 of village Dhanthola, Mouza Chayani, District-Kamrup shall stand vacated.

10. The petitioner shall produce a certified copy of this order before the respondent nos. 2 and 8 along with his e-mail address and phone number having Whatsapp and/or Telegram facility so as to enable the said authorities to send

him communication/ letter and/or notice of hearing.

11. This writ petition stands disposed of at the motion stage without issuance of notice on the respondents.”

The respondent No. 7 has filed an affidavit in the contempt petition placing the order dated 03.04.2024 passed in W.P.(C) No. 1058/2024 disposing the writ petition. The said affidavit also encloses the copy of the order dated 27.05.2024 whereby the Deputy Commissioner, Kamrup had disposed of the application as directed in the order dated 03.04.2024.

During the pendency of the contempt petition, an interlocutory application being I.A(C) No. 175/2024 has been filed by the respondent No. 9 praying for striking off its name as it is not a necessary party in the matter. The petitioner has also filed an objection in the said interlocutory application.

Having heard the learned counsel for the parties and upon careful perusal of the orders passed by the Court as well as the orders subsequently passed in terms of the directions of the Court by the Deputy Commissioner, Kamrup, we find that since the contempt petition was filed pursuant to the order dated 12.03.2024 passed in W.P.(C) No. 1058/2024 whereby the parties were directed to maintain status quo and subsequently the said writ petition itself came to be disposed of by order dated 03.04.2024 directing the Deputy Commissioner, Kamrup to dispose of the representation and further in pursuance to the directions of this Court, the representation having been disposed of and a copy thereof is available in the affidavit filed by the respondent No. 7, we do not find any cause to keep the contempt petition alive any further. The non-compliance of the directions in the interim order as alleged has merged in the final order and the respondent No. 7, namely Deputy Commissioner, Kamrup has also passed necessary orders pursuant to the directions contained in the order.

Accordingly, the contempt petition stands closed.

Notices issued stands recalled.

Pending I.A also stands dismissed.

JUDGE

Comparing Assistant