

ITEM NO.6

COURT NO.9

SECTION XIV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4187-4188/2024

[Arising out of impugned final judgment and order dated 14-08-2023 in WA No. 280/2023 14-08-2023 in WA No. 309/2023 passed by the Gauhati High Court]

PANKAJ LOCHAN BAISHYA & ORS. ETC.

Petitioner(s)

VERSUS

THE UNION OF INDIA & ORS.

Respondent(s)

(ONLY IA NO. 194385/2024 IS LISTED UNDER THIS ITEM.
IA No. 194385/2024 - RECALLING THE COURTS ORDER)

Date : 10-12-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Parthiv Goswami, Sr. Adv.
Mr. Rishi Kumar Singh Gautam, AOR
Ms. Atiga Singh, Adv.

For Respondent(s) Mr. Avijit Roy, AOR

Mr. Debojit Borkakati, AOR

Mr. Somiran Sharma, AOR

UPON hearing the counsel the Court made the following
O R D E R

The Special Leave Petition along with the application is taken on Board.

We have heard learned senior counsel appearing for the petitioners and learned counsel appearing for the respondents.

The submission of the learned senior counsel appearing for the petitioner seeking to give a restricted meaning to Section 3 of the Assam Land (Requisition and Acquisition) Act, 1964 (for

short 'the Act') cannot be countenanced, as certainly it is a case which comes within the ambit of maintaining supplies and services essential to the life of the community or for providing proper facilities for accommodation, transport and communication. The second submission is that the beneficiary not being a company formed for benefit and rehabilitation of landless, flood affected or displaced persons, therefore, the second limb of the said provision would not apply. This argument does not merit acceptance as the said Section is meant for all companies, including the aforementioned ones. We are dealing with a case where the government has already formed an opinion based upon the material that there is a public interest involved. Therefore it is a case which will fall under the first limb of Sub-Section (1) of Section 3 of the Act.

In such view of the matter, we do not find any ground to interfere with the impugned order passed by the High Court.

The Special Leave Petition is, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)

(POONAM VAID)
COURT MASTER (NSH)