
(2025) 12 GAU CK 0041

Gauhati HC

Case No: RFA Of 8 Of 2024

Samiran Chandra Laskar

APPELLANT

Vs

State Of Assam And 6 Ors

RESPONDENT

Date of Decision: Dec. 9, 2025

Acts Referred:

- Code of Civil Procedure, 1908- Section 80, 96, Order 41 Rule 1, Order 9 Rule 8

Hon'ble Judges: Parthivjyoti Saikia, J

Bench: Single Bench

Advocate: N. Nath, K.K. Bhattacharya, D.S. Neog

Final Decision: Dismissed

Judgement

Parthivjyoti Saikia, J

1. Heard Mr. N. Nath, learned counsel representing the appellant. Also heard Mr. K.K. Bhattacharya, learned counsel as well as Ms. D.S. Neog, Standing Counsel, Irrigation

Department, Assam appearing for their respective respondents.

2. This is a Regular First Appeal under Section 96 read with Order XLI Rule 1 of the Code of Civil Procedure (CPC) whereby the judgment and decree dated 03.11.2021 passed by the court of the learned Civil Judge No.1, Cachar, Silchar in Title Suit No.37 of 2009 is under challenge.

3. The case of the appellant is that he is the exclusive owner and occupier of 20 bighas of land described in Schedule-I of the plaint. Since the year 2006, the appellant was producing/manufacturing bricks under the name and style of Ashima Brick Industry situated over the said plot of land.

4. At that time, the Government of Assam was planning to set up irrigation water canals for Phoolbari Irrigation Scheme, for the benefit of poor farmers. According to

the appellant, the Government was trying to build the canal through his land, causing damage to his land. When the appellant objected to it, the respondents even assured the appellant that he would be paid adequate compensation.

5. In this way, the construction of the canal started. The appellant sent a notice under Section 80 of the Code of Civil Procedure to the respondents seeking a compensation of ₹27,51,200/-. Therefore, the appellant filed the suit praying for a decree declaring his right, title and interest over the said land and for compensation. The suit proceeded ex parte against some of the defendants. The learned Civil Judge dismissed the said suit and the first appeal being RFA 43/2011 was preferred before this Court. This Court partly allowed the appeal and remanded the case to the trial court for deciding the question of ownership/occupation of the present appellant over the said land etc. This Court also directed the trial court to determine the quantum of damages claimed by the appellant. The appellate did not adduce additional evidence nor did he apply for issuing a Commission. Ultimately, the suit was dismissed under Order IX Rule 8 of the Code of Civil Procedure.

6. Subsequently, the case was restored to file at the behest of the appellant. Even then, the appellant did not take any steps as directed by this Court in its judgment passed in RFA 43/2011. Finally, after hearing both sides, the trial court dismissed the suit of the appellant.

7. In this case, the trial court framed three issues, which are as under:

1. Whether the plaintiff is entitled to right-title and possession?

2. Whether the plaintiff is entitled to relief as claimed for?

3. To what relief the plaintiff is entitled?

8. At the time of hearing, the appellant examined himself and another witness. I have gone through the evidence. The only point for consideration in this appeal is as to whether the plaintiff is the title holder of the land on which his brick industry stands.

9. The Issue No.1 covers the point for determination. Therefore, I shall take up the Issue No.1 first for discussion.

ISSUE NO.1

10. The appellant exhibited the Occupational Certificate issued by Circle Officer, Katigorah as Ext.I. Ex.II was the NO-Objection Certificate issued by Senior Environment Engineer, R.L.O. Ex.III is the permission to set up the industry allowed by the Addl. Deputy Commissioner, Cachar. Ext.IV is the Registration Certificate issued by the Deputy Director, KVRC, Silchar.

11. The appellant claimed that the land on which his brick industry stands was purchased by his father by a registered sale deed. But he did not submit the

registered sale deed though it was in his possession.

12. The registered sale deed by which the father of the appellant had purchased the land was not produced before the trial court. So the claim of the appellant that he has the right, title and interest over the land remained unproved. The learned trial court has correctly has decided that this issue in negative. Accordingly, this issue is again decided in negative.

ISSUE NOS.2 & 3

13. In view of the decision arrived at Issue No.1, the learned trial court has correctly decided that these two issues in negative. Both the issues are again decided in negative.

ORDER

14. In view of the decisions arrived at in the foregoing issues, this court is of the opinion that the learned trial court has correctly dismissed the suit of the appellant. The present appeal is found to be devoid of merit and dismissed accordingly.

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