

GAHC010005192020



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

Case No. : WP(C)/269/2020

AJIT KUMAR BARMAN
S/O- LT. AMBIKA CHARAN BARMAN, R/O- 3 SC GOSWAMI ROAD,
PANBAZAR, GHY.- 781001, DIST.- KAMRUP(M), ASSAM.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE PRINCIPAL SECY., REVENUE DEPTT., DISPUR, GHY.- 06

2:THE DY. COMMISSIONER
KAMRUP(M)
GUWAHATI- 781001.

3:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
KACHARIGHAT
GUWAHATI- 781001

4:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
DISPUR
GUWAHATI- 781001.

5:SHREE JANARDAN TEMPLE
REP. BY THE SECY.
JANARDAN TEMPLE MANAGING COMMITTEE
PANBAZAR
GUWAHATI- 781001

For the Petitioner(s) : Mr. J. Sarmah, Advocate

For the Respondent(s) : Ms. U. Das, Jr. Government Advocate
: Mr. A. Bhattacharjee, SC, Revenue

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 11.10.2023

1. The instant writ petition has been filed by the Petitioner seeking a direction upon the Respondents to settle the Sarkari Land measuring 1.05 Are covered by Dag No.92 of Sahar Guwahati (4th Part) under Ulubari Mouza in the District of Kamrup (M) and to issue periodic patta in favour of the Petitioner.
2. The facts involved in the instant case is that the grandfather of the Petitioner namely Late Kaliram Barman was enjoying tenancy/occupancy rights of a plot of land measuring 10.05 Are belonging to Sri Janardan Temple covered by Dag No.92 of Patta No.132 of village Sahar Guwahati (4th Part) under Ulubari Mouza in the District of Kamrup (M) Assam till the same was acquired by the State Government under the provisions of the Assam State Acquisition of Lands belonging to Religious/Charitable Endowment Act, 1956 (for short "the Act of 1956"). The grandfather of the Petitioner expired on 18.12.1971 leaving behind his wife, six sons and four daughters.
3. It further reveals from the records that the Petitioner on 18.06.2005 had filed an application under Section 15 of the Assam State Acquisition of Land belonging to Religious and Charitable Endowment Act, 1956 seeking settlement of 1.05 Are of Sarkari land which was under the occupation of the Petitioner since the time of his grandfather. It further reveals from the records that there has been certain inter-departmental communications but the settlement over the land having not been granted, the Petitioner being aggrieved has

approached this Court by filing the instant writ petition.

4. This Court had issued notice. Pursuant to the notice, it is seen from the records that an Affidavit-in-Opposition has been filed by the Respondent No.4 wherein it has been mentioned that as per the Land Policy, 2019, an indigenous landless person if found eligible and have been in continuous occupation of Government land since or prior to 28.06.2001 may be considered for settlement of maximum of 1 Katha 5 Lechas of land in the case of Guwahati and 1 Katha 10 Lechas of land in the case of other towns as one time measure for homestead purpose, if they applied for it irrespective of having land in rural areas subject to the realization of due premium. The other official Respondents i.e. Respondent Nos. 1, 2 and 3 have not filed any Affidavit-in-Opposition.

5. Be that as it may, the learned counsel for the District Commissioner, Kamrup (M) as well as the learned Standing counsel for the Revenue and Disaster Management Department submits that in terms with Clause 14.4 of the Land Policy, 2019, an indigenous landless person if found eligible who have been under continuous occupation of Government land since or prior to 28.06.2001 may be considered for settlement of maximum 1 Katha 5 Lechas of land in case of Guwahati and 1 Katha 10 Lechas of land in the case of other town as one time measure for homestead purpose, if they applied for it irrespective of having land in rural areas subject to the realization of due premium.

6. Taking into account the above, this Court is of the opinion that the ends of justice would be met if a liberty is given to the Petitioner to make an application in terms with the Land Policy, 2019 and a direction thereupon is given to the Respondent Authorities to consider the same in terms with the extant Land Policy, 2019.

7. Accordingly, the instant writ petition therefore stands disposed of thereby giving the liberty to the Petitioner to file an application before the District Commissioner, Kamrup (M) seeking allotment of 1.05 Are of land which have been in the possession of his family since many decades.

8. It is further directed that in the eventuality, the Petitioner submits any application to the District Commissioner, Kamrup (M), the said District Commissioner shall duly verify as to the eligibility of the Petitioner as per the extant Land Policy, 2019 and if found eligible, shall take appropriate steps as per the procedure prescribed in the Land Policy, 2019. The Revenue and Settlement Department of the Government of Assam shall also upon the proposal being submitted by the District Commissioner, Kamrup (M) take appropriate steps as per the Land Policy, 2019.

9. This Court further directs that the said exercise be completed within a period of 6 (six) months from the date the application is submitted by the Petitioner along with all the necessary documents showing his entitlement to the settlement of the land in question. This Court further observes that the Respondent Authorities shall also take into consideration Clause 2 of the Land Policy, 2019 while considering the application of the Petitioner inasmuch as the Petitioner had earlier filed the application for settlement under Section 15 of the Act of 1956.

10. With above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant