

GAHC010007562018



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

Case No. : WP(C)/346/2018

IEARUDDIN AHMED@YARUDDIN AHMED
S/O- LATE ILIASH ALI@ HAJI ELIOUS ALI, R/O- DAKHINGAON, P.O-
KAHILIPARA, P.S- DISPUR, GHY- 19

VERSUS

THE STATE OF ASSAM
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT OF ASSAM,
HOME DEPTT., DISPUR, GUWAHATI- 06

2:DEPUTY COMMISSIONER
KAMRUP METROPOLITAN DISTRICT
PANBAZAR GUWAHATI- 01

3:THE ADDITIONAL DEPUTY COMMISSIONER
KAMRUP METROPOLITAN DISTRICT
PANBAZAR GUWAHATI- 01

4:SAMIR ALI
S/O- LATE WAHED ALI
R/O- DAKHINGAON
P.O- KAHILIPARA
P.S- DISPUR GHY- 19

5:JEHERUL HAQUE
S/O- SIBA CHARAN SARKAR
R/O- DAKHINGAON
P.O- KAHILIPARA
P.S- DISPUR
GHY- 19

6:AJMAR ALI
S/O- SAGAR ALI
R/O- H NO. 35

R/O- DAKHINGAON
P.O- KAHILIPARA
P.S- DISPUR GUWAHATI- 19

7:ASURUDDIN ALI
S/O- SAGAR ALI
R/O- H NO. 35
R/O- DAKHINGAON
P.O- KAHILIPARA
P.S- DISPUR GUWAHATI- 19

8:AFAJUDDIN ALI
S/O- SAGAR ALI
R/O- H NO. 35
R/O- DAKHINGAON
P.O- KAHILIPARA
P.S- DISPUR GUWAHATI- 19

9:AFRUJA BEGUM
W/O- ASSARUDDIN AHMED
R/O- DAKHINGAON
P.O- KAHILIPARA
P.S- DISPUR
GUWAHATI- 1

Advocate for the Petitioner : MR. S ROY
Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

27.06.2023

There is no representation on behalf of the petitioner today on call.

Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 1 – 3 and Mr. E. Ahmed, learned counsel for the respondent no. 4 are present. Both Mr. Goswami and Mr. Ahmed have submitted that when the writ petition was listed on previous three occasions, that is, on 06.03.2020, 28.09.2021 and 26.10.2021, the learned counsel for the petitioner was found absent on call.

The grievance expressed in the writ petition pertains to an enquiry proceeding

conducted by the office of the Deputy Commissioner, Kamrup [M], Guwahati in connection with File no. KRS.437/2017. The aforesaid enquiry was purportedly initiated so as to ascertain the legitimacy of the title deed in respect of the plot of land allegedly claimed to be under the possession of the petitioner. It was the grievance of the petitioner that he had neither been furnished with a copy of the complaint nor he had been provided with any opportunity being heard in the matter.

Mr. Ahmed learned counsel appearing for the respondent no. 4 has placed a copy of the letter no. ECF no. 4810/2017/118 dated 14.09.2018 of the Revenue & Disaster Management Department addressed to the respondent no. 4.

By the said letter dated 14.09.2018, the respondent no. 4 was informed that illegal trespassing over patta land was a matter to be referred to the appropriate judicial court. The respondent no. 4 was, thereby, advised to move the appropriate judicial court for redressal of his grievances.

Mr. Ahmed has submitted that in view of the letter dated 14.09.2018, the proceedings initiated before the office of the Deputy Commissioner, Kamrup [M], Guwahati at the instance of the respondent no. 4 was ordered to be initiated before the appropriate forum as a case of land grabbing and as such, the writ petition has apparently become infructuous.

In view of non-representation on behalf of the petitioners repeatedly on four occasions and having regard to the above projections made on behalf of the respondents, it appears that the proceedings initiated before the Deputy Commissioner had to be initiated before the appropriate forum as a case of land grabbing and as a result, the basis for filing the present writ petition appears to have been rendered infructuous. In such view of the matter, the writ petition is accordingly dismissed as infructuous. The petitioner is, however, at liberty to seek restoration of the writ petition in the event he has any live cause of action.

A copy of the letter no. no. ECF no. 4810/2017/118 dated 14.09.2018 be kept in the case records.

JUDGE

Comparing Assistant