

GAHC010018562015



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

Case No. : WP(C)/4547/2015

PUB-GUWAHATI JUNIOR COLLEGE and 4 ORS
REP. BY PROF. DR. SRI BALIT KUMAR DEKA, FOUNDER PRESIDENT,
MANAGING COMMITTEE, PUB-GUWAHATI COLLEGE, R/O- RAJGARH
ROAD, CHANDMARI, GHY- 24.

2: PROF. DR. BALIT KUMAR DEKA
FOUNDER PRESIDENT
PUB-GUWAHATI JUNIOR COLLEGE
RAJGARH ROAD
CHANDMARI
MEMBER OF MANAGING COMMITTEE
PUB-GUWAHATI JUNIOR COLLEGE.

3: DR. REKHA DEKA
M.SC.
PHD
HONORARY PRINCIPAL IN-CHARGE PUB-GUWAHATI JUNIOR COLLEGE.

4: DR. DANDI NATH CHOUDHURY
LL.M. PHD
WORKING PRESIDENT
PUB-GUWAHATI JUNIOR COLLEGE.

5: DR. LOKEN DEKA
GENERAL SECY.
PUB-GUWAHATI JUNIOR COLLEGE

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY ITS SECY., REVENUE SETTLEMENT DEPTT., DISPUR, GHY- 6.

2: THE UNDER SECY. TO THE GOVT. OF ASSAM
REVENUE SETTLEMENT DEPTT.

DISPUR
GHY- 6.

3:THE SETTLEMENT OFFICER
GUWAHATI RE-SETTLEMENT OPERATION
ULUBARI.

4:THE DY. COMMISSIONER
KAMRUP M
GUWAHATI- 781001.

5:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
DISPUR
GUWAHATI.

6:THE COMMISSIONER OF POLICE
GUWAHATI CITY
PANBAZAR
GUWAHATI- 781001

Advocate for the Petitioner : MS.D SHARMA

Advocate for the Respondent : GA, ASSAM, MR. S BARUAH (R3 TO R6)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

14.03.2023

Heard Ms. C Das, learned counsel for the petitioners. Also heard Shri R Talukdar, learned State Counsel, Assam appears for the rest of the respondents.

2. When this matter was taken up on 02.03.2023, this Court, after observing that the matter was pending since the year 2015, had passed the following order:

“Heard Ms. C. Das, learned counsel for the petitioners. The case of the petitioner is that a plot of land was allotted to the petitioner–College vide an

order dated 30.06.2005 with the stipulation that if the same could not be utilized, the said allotment would stand automatically cancelled. The petitioner claims that possession could not be taken over at any point of time as there were encroachments. The petitioner claims to have informed the Deputy Superintendent of Police, Chandmari vide an application dated 14.05.2008 followed by a representation to the Revenue Department and also to the then Education Minister. All the representations appear to have been given after a long period of time. What is intriguing is that the Managing Committee of the College in spite of having high political dignitaries could not get the matter settled. Further, on a specific query, Ms. Das, learned counsel for the petitioners has submitted that as on today, the College does not exist. Be that as it may, Ms. Das, learned counsel for the petitioners has prayed for some time to obtain instructions. Though this Court is reluctant to grant adjournment of this case which is pending since the year 2015, in the interest of justice, a short adjournment is granted directing the matter to be listed again on 14.03.2023.”

3. From the above, it transpires that, Ms. Das, learned counsel, on a prayer being made by her, was granted opportunity to take instructions as to whether the College in question, was existing as on that date or not.

4. Today i.e., 14.03.2023 the learned counsel, Ms. Das has submitted that as per information received by her, on the same premises, a Nigh School is presently running and there is no concrete information regarding the Junior College in question.

5. The facts, as have been reflected above, would show that there is hardly any existing cause of action to be adjudicated as, at no point of time, the land allotted in the year 2005 could be utilized.

6. In view of the above, this writ petition stands closed.

JUDGE

Comparing Assistant