

GAHC010019392017



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

**Case No. : WP(C)/2174/2017**

NIRMAL CHINTEY  
LATE MADHURAM CHINTEY, VILL- BILMUKH, P.O- BILMUKH, P.S-  
GHILAMARA, PIN- 787053, DIST- LAKHIMPURASSAM

VERSUS

THE STATE OF ASSAM and 4 ORS.  
REPRESENTED BY THE COMMISSIONER and SECRETARY TO THE GOVT OF  
ASSAM , REVENUE DEPTT., DISPUR, GUWAHATI- 781006

2:THE DEPUTY COMMISSIONER  
LAKHIMPUR  
LAKHIMPUR  
ASSAM

3:CIRCLE OFFICER  
SUBANSIRI REVENUE CIRCLE  
GHILAMARA LAKHIMPUR

4:THE SCHOOL MANAGING COMMITTEE  
BILMUKH ME SCHOOL  
P.O- BILMUKH  
GHILAMARA  
DIST- LAKHIMPUR  
ASSAM PIN- 787053

5:THE HEAD MASTER  
BILMUKH ME SCHOOL  
P.O- BILMUKH  
GHILAMARA  
DIST- LAKHIMPUR  
ASSAM PIN- 78705

**For the petitioner (s) : Mr. R. Dubey, Advocate**

For the respondent (s) : Ms. U. Das, Addl. Sr. Govt. Advocate

BEFORE  
**HON'BLE MR. JUSTICE DEVASHIS BARUAH**  
ORDER

18.10.2023

The instant writ petition has been filed by the petitioner challenging the notice dated 23.06.2015 enclosed as Annexure-4 to the writ petition.

2. The case of the petitioner as could be discerned from the writ petition is that the petitioner is in possession of 10 lechas of land which admittedly is reserved for Bilmukh ME School which is a Government school. The petitioner claims that as he is in possession of the land since decade, the petitioner should not be evicted from the land, and as such, has challenged the impugned notice dated 23.06.2015 issued under the provisions of Rule 18 of the Settlement Rules under the Assam Land and Revenue Regulation, 1886.

3. The record reveals that this Court vide an order dated 07.04.2017 had issued notice and it was further directed in the interim that the petitioner should not be evicted from the land till the next date. The record further shows that the interim order has been extended from time to time. An affidavit-in-opposition has been filed by the respondent No.2 through the Additional Deputy Commissioner, Lakhimpur. In the said affidavit-in-opposition, it has been mentioned that Dag No. 89 covers an area of 10 bighas 2 kathas in the village Kathalguri Miri, under Gohain Mouza, Subansiri Revenue Circle which is reserved in the name of Bilmukh ME School and in the said Dag, a plot of land measuring 10 lechas is

encroached by the petitioner by constructing a shop. It has been further mentioned that the petitioner is not a landless person and as per the record, it shows that he is one of the pattadars of Periodic Patta No.30 covering an area of 96 bighas 1 katha 8 lechas in village Maji. Further to that, the petitioner also possesses a total land of 13 bighas 3 kathas 17 lechas covered by Dag No.28 and 30 (Part) of Kathalguri Miri village under Gohain Mouza, Subansiri Revenue Circle which is also a Government land. The said affidavit was filed in the year 2021 and no reply thereupon has been filed by the petitioner.

4. In view of the stand so mentioned in the affidavit filed by the respondent No.2 to the effect that the petitioner is a pattadar in respect to Periodic Patta No.30 and also possesses other Government land measuring 13 bighas 3 kathas 17 lechas, this Court finds no reason to interfere with the impugned notice taking into account that the petitioner cannot be said that he is a landless person and having no other place to go. Further to that, the petitioner also as per the extant land policy of 2019 cannot get settlement in respect of the said 10 lechas of land as the petitioner is the pattadar of the Periodic Patta No.30 which covers an area of 96 bighas 1 katha 8 lechas in village Maji.

5. In that view of the matter, the instant writ petition being devoid of merit stands dismissed.

6. Interim order if any stands vacated.

**JUDGE**

**Comparing Assistant**