

GAHC010023212015



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

Case No. : WP(C)/6265/2015

NORTH EAST SOCIAL TRUST NEST
A NON-PROFIT AND NON-GOVERMENTAL ORGANIZATION, REP. BY ITS
CHAIRPERSON SRI TASADUK ARIFUL HUSSAIN HAVING ITS HEAD OFFICE
AT DIGHALIPAM VILALGE, NEAR DICHOI TINALI, P.O. BANHGURI, DIST.
GOLAGHAT, ASSAM. -785614.

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM, AGRICULTURE
DEPARTMENT, ASSAM, AGRICULTURE DEPARTMENT, ASSAM
SECRETARIAT, DISPUR- 781006.

2:THE DISTRICT AGRICULTURE OFFICER

GOLAGHAT
AGRICULTURE DEPARTMENT
GOLAGHAT
ASSAM- 785614.

3:THE DEPUTY COMMISSIONER

GOLAGHAT
ASSAM- 785614.

4:THE SUB-DIVISIONAL
AGRICULTURE OFFICER
BOKAKHAT SUB-DIVISION
GOLAGHAT
ASSAM- 785614

For the Petitioner (s) : Mr. P. Mahanta, Advocate.

For the Respondent (s): Mr. N. Goswami, Advocate.

Date of hearing & Judgment : **08.11.2023**

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
JUDGMENT AND ORDER(ORAL)

The instant writ petition has been filed by the Petitioner seeking a Writ in the nature of Certiorari for setting aside the eviction notice dated 29.05.2015 and the subsequent order dated 30.06.2015 issued by the Respondent Department.

2. The facts involved in the instant case as would be discernible from the materials on record is that the Petitioner which is a non-Government organization entered into an agreement with the District Agricultural Officer, Golaghat on 31.10.2005. The said Agreement was entered into on the basis that the Petitioner was the implementing Agency of Endogenous Tourism Project at Durgapur, Golaghat under the Ministry of Tourism, Government of India and UNDP and on the basis of the said project, the Petitioner was allotted a vacant Gram Sevak Quarter for the smooth functioning of the UNDP time bound project. A perusal of the said Agreement dated 31.10.2005 inter alia stipulates in Article IV (d) that on the completion of the UNDP tourist

village project at Durgapur, the Petitioner shall handover the Gram Sevak Quarter to the District Agricultural Officer, Golaghat. The said project admittedly stood completed in the year 2010. The Petitioner even after the completion of the period did not handover the Gram Sevak Quarter to the Respondent Department and continued to use the said premises beyond the terms of the Agreement.

3. On 29.5.2015, the District Agricultural Officer, Golaghat issued a Communication to the Executive Director of the Petitioner directing to vacate the said Gram Sevak Quarter within a period of 1 month from the date of receiving the notice. This notice dated 29.5.2015 is the subject matter of challenge before this Court which the Petitioner have sought for quashing. It is also seen that even after the notice dated 29.5.2015 there was a subsequent notice also issued on 30.06.2015. Thereupon the Petitioner approached this Court and filed the instant writ petition on 8th of October, 2015.

4. This Court vide an order dated 09.10.2015 issued notice and stayed the impugned notices dated 29.05.2015 and 30.06.2015. The interim order have been continuing since then. The record reveals that after a passage of more than 5 years, the Respondent no. 2 had filed an affidavit-in-opposition stating inter alia that the Petitioner has no right to continue to remain in possession of the said quarter.

5. I have heard the learned counsel for the parties.

6. Mr. P. Mahanta, the learned counsel appearing on behalf of the Petitioner submitted that the Petitioner have made various renovations to the quarter and the Petitioner is also presently carrying on a business of a Food Court and it would be difficult if the Petitioner is immediately evicted from the quarter. He submits upon instructions that the Petitioner may be granted a period of 3 months from the date of the instant order to vacate the quarter in question. On the other hand Mr. B. Choudhury, the learned counsel appearing on behalf of the Agriculture Department have duly objected and submitted that a period of 1 month should be given to the Petitioner to vacate the quarter.

7. This Court, after taking into consideration the submissions so made by Mr. P. Mahanta and also upon perusal of the additional affidavit filed as well as the enclosures to the said additional affidavit, is of the opinion that the interest of justice would be met if a period of 3 months from the date of the instant order is granted to the Petitioner to vacate the quarter. Accordingly, this Court therefore directs the Petitioner to vacate the quarter on or before 7th of February, 2024. It is made clear that if the Petitioner fails to vacate the said quarter on or before 7th of February, 2024, the Respondent Department shall be at liberty to take such action as deemed proper. This Court further makes it clear that the said period of 3 months

have been granted subject to the Petitioner filing an undertaking before the Registry of this Court in the form of an affidavit that the Petitioners shall vacate the quarter by 07.02.2024. The said affidavit be filed within 15 days from the date of the instant order and by serving an advance copy to Mr.B.Choudhury, the counsel for the Respondent Department. It is made clear that if the said affidavit is not filed within 15 days as directed above, the Respondent Authorities shall be at liberty to take such action as deemed fit after the period of 15 days from today.

8. With the above observations and directions, the instant writ petition stands disposed off.

JUDGE

Comparing Assistant