

GAHC010029352023



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

Case No. : WP(C)/859/2023

RANGLAL BISWAS AND 2 ORS
S/O LATE PAD BISWAS, R/O VILL-SHOLAPATHAR, P.O.-SAMARIA, DIST-
KAMRUP, ASSAM

2: BHOLANATH BISWAS
S/O LATE PAD BISWAS
R/O VILL-SHOLAPATHAR
P.O.-SAMARIA
DIST-KAMRUP
ASSAM

3: DINESH BISWAS
S/O LATE PAD BISWAS
R/O VILL-SHOLAPATHAR
P.O.-SAMARIA
DIST-KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
DEPARTMENT OF REVENUE, GOVT. OF ASSAM

2: THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
P.O. AND DIST-AMINGAON
ASSAM
PIN-781301

3: THE CIRCLE OFFICER
CHAMARIA REVENUE CIRCLE
P.O.-CHAMARIA

DIST-KAMRUP
ASSAM
PIN-781136

4:ARADHAN RAY
S/O LATE ADHAR RAY
R/O VILL-SHOLAPATHAR
P.O.-SAMARIA
DIST-KAMRUP
ASSA

Advocate for the Petitioner : MR N AHMED

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

01.12.2023

Heard Mr. M.M. Zaman, learned counsel for the petitioners. Also heard Ms. U. Das, learned Government Advocate, Assam appearing for the respondent nos. 2 & 3.

This writ petition is filed by the petitioners who claim to be the residents of Sholapthar, Post Office Samaria, District-Kamrup. The petitioners are aggrieved by some unlawful construction by the private respondent no.4 on a public road situated in a Government land covered by Dag No.837. It is submitted that because of this unlawful construction it has left blocked the said P.W.D. road on the said land. On the basis of the complaint made the Circle

Officer, Chamaria Revenue Circle examined the matter and passed an order on 12.04.2022. After due verification the Circle Officer made his observation in the said order dated 12.04.2022 that the road situated at Dag No.837 is on the Government land and the said land measures about 3 Bighas 3 Katha 16 lechas and a 12 feet wide road was constructed by the Panchayat in the year 2001 for public movement over the said land for their convenience. It is the grievance of the petitioner that in spite of such specific finding by the Circle Officer, no step has been taken to stop the illegal or unlawful construction made by the private respondent no4. Being aggrieved, a representation dated 14.12.2022 was filed by the petitioners before the Deputy Commissioner, Amingaon, Kamrup which is stated to be pending. It is submitted that the representation was received on the same day with due endorsement. Learned counsel for the petitioners at this stage submits that the limited prayer before the Court is for a direction to dispose of the representation dated 14.12.2022 filed by the petitioners before the Deputy Commissioner, Amingaon, Kamrup, which is stated to be pending.

Ms. U. Das, learned Government Advocate, for the respondent nos. 2, 3 & 4 does not object to the prayer.

In view of the limited prayer made by the learned counsel for the petitioner and without going into the merits of the case, this writ petition is

closed with a direction to the Deputy Commissioner, Amingaon, Kamrup, namely, the respondent no.2 to dispose of the representation of the petitioners dated 14.12.2022 which is stated to be pending before the Office of the concerned Deputy Commissioner. If any order in the meantime has been passed disposing of the said representation, copies of the same be furnished to the petitioners. If the said representation is still found to be pending then the Deputy Commissioner will pass a speaking order disposing of the said representation within a period of 30 (thirty) days from the date of receipt of a certified copy of this order and serve a copy of the said speaking order thereof to the petitioners.

Accordingly, this writ petition stands disposed of.

A copy of this order be served to the Deputy Commissioner, Amingaon, Kamrup.

JUDGE

Comparing Assistant