

GAHC010039012023



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

Case No. : I.A.(Civil)/474/2023

MONU NATH AND 2 ORS
S/O. LT. SURESH NATH, VILL. BEDRONG, P.O. KUSHIRARKUL, DIST.
KARIMGANJ, ASSAM, PIN-788009.

2: RANJU NATH
S/O. LT. ABANTI NATH
VILL. TALTALA
P.O. DEWADI
DIST. KARIMGANJ
ASSAM
PIN-788722.

3: NIREN NATH
S/O. ADHIR NATH
VILL. TIKARPARA
P.O. UMARPUR
DIST. KARIMGANJ
ASSAM
PIN-788806

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE ADDL. CHIEF SECRETARY TO THE GOVT. OF ASSAM,
REVENUE (REFORMS) AND DISASTER MANAGEMENT DEPTT., DISPUR,
GUWAHATI-781006.

2:THE PRINCIPAL SECRETARY
TO THE GOVT. OF ASSAM
FINANCE DEPTT.
DIPUR
GUWAHATI-781006.

3:THE DEPUTY SECRETARY

TO THE GOVT. OF ASSAM
REVENUE (BUDGET) DEPTT.
DISPUR
GUWAHATI-781006.

4:THE DEPUTY SECRETARY REVENUE (REFORMS) DEPTT.

DISPUR
GUWAHATI-781006.

5:THE COMPENSATION OFFICER

KARIMGANJ
P.O.
P.S. AND DIST. KARIMGANJ
ASSAM
PIN-788710

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

20.04.2023

Heard Shri IH Saikia, learned counsel for the applicants/writ petitioners. Also heard Ms. PR Mahanta, learned Standing Counsel, Revenue Department, Assam.

2. This interlocutory application has been filed for correction of the order dated 08.02.2023 passed in the connected WP(C)/6279/2021.

3. The projected facts in the writ petitions was that the petitioners were Joint Tenure Holders of various Estates covered by various Taluk numbers which were acquired by the Government of Assam under the State Acquisition of Zamindaries Act, 1951 (hereinafter referred to as the Act). After such acquisition, the compensation

was assessed by an Award which had attained finality and since the amount involved in the Award was not paid, a writ petition was filed by the petitioners in which there was an order to examine the claims of the petitioners. The said order of this Court was also not complied with leading to filing of the present case. It may be mentioned that along with the present writ petition, another writ petition, being WP(C)/6281/2021 by four numbers of petitioners was filed with identical cause of action.

4. It appears that in one of the writ petitions, the Department had filed an affidavit wherein, though a reference to certain cases taken up by the Vigilance Department was mentioned. In paragraph 4 of the said affidavit-in-opposition dated 13.12.2022 certain cases were mentioned which were not in the list of 57 numbers of cases which were within the ambit of the investigation by the CID. In the order dated 08.02.2023, the aforesaid paragraph 4 was quoted.

5. Shri Saikia, learned counsel for the applicants has, however clarified that in the affidavit filed, the case numbers mentioned in paragraph 4 was pertaining only to the other writ petition, namely, WP(C)/6281/2021 and in absence of a separate affidavit, such case numbers have been reflected in the order dated 08.02.2023 which was a common order passed in both the writ petitions, namely, WP(C)/6279 & 6281 of 2021.

6. Shri Saikia, learned counsel for the applicants has further submitted that in the present interlocutory application, the Department has filed an affidavit by which the matter has been clarified and the stand taken by the applicants has been endorsed. The learned counsel, accordingly submits that necessary clarificatory order may be passed by modifying the order dated 08.02.2023.

7. Ms. Mahanta, learned Standing Counsel, Revenue Department has fairly submitted that the quotation in the earlier order regarding paragraph 4 pertains to the

other writ petition which has been clarified by the present affidavit filed on 06.04.2023. By drawing the attention of this Court to the averments made in paragraph 6 of the said affidavit, the learned Standing Counsel has submitted that so far as the present writ petition, namely, WP(C)/6279/2021 is concerned, the concerned cases are mentioned in the paragraph 6 which is extracted hereinbelow:

“6. That with regards to the statement made in paragraph 5 of the instant Interlocutory Application, the deponent states that the compensation case no. SMP-30/83, SMP-18/78, SMP-12/83, SMP-14/78, SMP-7/83, RN-14/78, RN-32/78, RN-49/83, RN-20/78, RN-36/83, PG-30/78, PG-28/78, PG-56/83, PG-50/84, PG-48/84, PG-43/78, BH-4/78, ES-10/78, ES-8/78, BH-14/78, PG-20/78, PG-41/78, PG-17/78, PG-22/78, PG-25/78, KKL-59/83, KKL-40/78, KKL-32/78 as mentioned by the applicants are not found in the list of 57 nos. of Zamindari cases that are under the investigation of CID.”

8. After hearing the parties and on perusal of the records, the instant interlocutory application stands allowed by clarifying that the original order dated 08.02.2023 would also include the cases referred to in paragraph 6 of the affidavit which has been extracted hereinabove and the same are in respect of the WP(C)/6279/2021.

9. It is further made clear that for all practical purposes, the present order is required to be read as a part of the order dated 08.02.2023 passed in both the writ petitions.

10. The interlocutory application stands disposed of.

JUDGE

Comparing Assistant