

GAHC010047652022



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

Case No. : WP(C)/1825/2022

AZIZUL HAQUE AND 6 ORS
S/O LATE IRAZ ALI, R/O VILL- PANPURGHAT, P.O.-PANPUR, P.S.-
JAMUGURIHAT, DIST- SONITPUR, ASSAM, PIN-784180

2: SWADAT ALI
S/O INNAS ALI
R/O VILL NO. 3 CHIRAUNI
P.O.-PANPUR
P.S.-JAMUGURIHAT
DIST- SONITPUR
ASSAM
PIN-784180

3: HARMUZ ALI
S/O LATE INNAS ALI
R/O NO. 3 CHIRUANI
P.O.-PANPUR
P.S.-JAMUGURIHAT
DIST- SONITPUR
ASSAM
PIN-784180

4: ABDUL HASHEN
S/O LATE IRAJ ALI
R/O NO. 3
PANCHMILE
P.S.-BARGHAT
DIST-SONITPUR
ASSAM
PIN-784180

5: IMAN HUSSAIN
S/O LATE IRAZ ALI
R/O NO 3 PANCHMILE

P.O.-PANCHMILE
P.S.-BARGHAT
DIST-SONITPUR
ASSAM
PIN-784180

6: ABUL HUSSAIN
S/O LATE IRAZ ALI
R/O NO 3 PANCHMILE
P.O.-PANCHMILE
P.S.-BARGHAT
DIST-SONITPUR
ASSAM
PIN-784180

7: MUFIZUL HAQUE
S/O LATE IRAZ ALI
R/O NO. 3 CHIRUANI
P.O.-PANPUR
P.S.-JAMUGURIHAT
DIST- SONITPUR
ASSAM
PIN-78418

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY, GOVERNMENT
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-781006

2:THE DEPUTY COMMISSIONER
SONITPUR DISTRICT
AT TEZPUR
ASSAM

3:THE CIRCLE OFFICER
NADUAR REVENUE CIRCLE
SOOTEA REVENUE CIRCLE
P.O. AND P.S.-SOOTEA
DIST-SONITPUR
ASSAM
PIN

Advocate for the Petitioner : MR. M U MAHMUD
Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 19.06.2023

Heard Mr. M. U. Mahmud, learned counsel for the petitioners. Also heard Ms. P. R. Mahanta, learned counsel, appearing on behalf of respondent No. 1; and Mr. N. Goswami, learned Government Advocate, appearing on behalf of respondents No. 2 & 3.

The petitioners, altogether 7(seven) in nos., have filed this writ petition, contending that earlier they were holding Myadi Patta Land within Tezpur Revenue Circle, but, their lands were eroded by the river Jiyabharali and in that regard, the Circle Officer, Tezpur Revenue Circle, has also issued various certificates regarding erosion of their lands.

The petitioners have also annexed 2(two) of such certificates issued in favour of petitioners No. 1 & 5.

Under the aforesaid circumstances; the petitioners have prayed for a direction to the respondent authorities for providing a suitable alternative land for their residential purpose at least 5 Bighas of land to each of the petitioners/family members and allot the said lands by providing pattas within the nearby place of Village like No. 3 Chiruani, Panchmile and Batiyamari(Panpurghat), etc., under Sootea Revenue Circle in the district of Sonitpur, Assam, with some amount of money for construction of their houses in the lands to be allotted in their names.

In support of the petitioners' contention, the petitioners have referred to Regulation 12 of the Assam Land & Revenue Regulation 1886, which reads as under:

“12. Power to make rules for the disposal of the Government lands and ejectment therefrom of unauthorized occupier. – In the case of any land over which no person has the rights of a proprietor, land-holder or settlement-holder under this regulation, the State Government may make rules to provide for, -

- (1) the disposal by way of grant, lease or otherwise of such land;
- (2) the ejectment of any person who has entered into unauthorized occupation of such land; and
- (3) the disposal of any crop raised, or any building or other construction erected without authority on such land.”

From reading of Regulation 12 of the Assam Land & Revenue Regulation 1886; I do not find any provision made thereunder, for allotment of suitable alternative land to the persons holding Myadi Patta Lands and displaced by erosion of their lands by the river.

In view of the above and in the absence of any provision creating any right in favour of the petitioners, in the instant case, to be provided with a suitable alternative land for their residential purpose; I am of the considered view that no such direction, as prayed for by the petitioners, can be given by the Court.

Accordingly, this writ petition stands dismissed being devoid of merit.

Notwithstanding the dismissal of the writ petition; the appropriate and competent authorities may look into the grievances of the petitioners, as highlighted in their representations, in accordance with law.

JUDGE

Comparing Assistant