

GAHC010048662023



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

Case No. : WP(C)/1370/2023

NATUN KATHMI BAZAR SAMITY AND ANR
NATUN KATHMI, P.O.-KALATOLI, P.S.-BOKO, DIST-KAMRUP, ASSAM,
REPRESENTED BY ITS PRESIDENT SAHED ALI AHMED, AGED ABOUT 52
YEARS, S/O LATE AJGAR ALI, R/O VILL-KANDULIMARI, P.O.-KALATOLI
BAZAR, P.S.-CHHAYGAON, DIST-KAMRUP, ASSAM, PIN-781136

2: HASMAT ALI AHMED
S/O LATE ABDUL GONI
R/O VILL-NATUN KATHMI
P.O.-KALATOLI
P.S.-BOKO
DIST-KAMRUP
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
THROUGH THE SECRETARY TO THE GOVERNMENT OF ASSAM, REVENUE
AND DISASTER MANAGEMENT DEPARTMENT, DISPUR, GUWAHATI-
781006

2:THE DEPUTY COMMISSIONER
KAMRUP
AMINGAON
DIST-KAMRUP
ASSAM
PIN-781031

3:THE BRANCH OFFICER
SETTLEMENT BRANCH AND SUB-DIVISIONAL OFFICER (S)
KAMRUP
AMINGAON

DIST-KAMRUP
ASSAM
PIN-781031

4:THE CIRCLE OFFICER
CHAMARIA REVENUE CIRCLE
VILL AND P.O.-CHAMARIA
DIST-KAMRUP
ASSAM
PIN-781136

5:THE EXECUTIVE OFFICER
CHAMARIA ANCHALIK PANCHAYAT
VILL AND P.O.-NAGARBERA
P.S.-NAGARBERA
DIST-KAMRUP
ASSAM
PIN-781127

6:GOPAL MIA
S/O CHANDU MIA
R/O VILL-NATUN KATHMI BAZAR
P.O.-KALATOLI BAZAR
P.S.-BOKO
DIST-KAMRUP
ASSAM
PIN-78113

Advocate for the Petitioner : MR. S C BISWAS

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 06-11-2023

Heard Mr. S.C. Biswas, learned counsel for the petitioner; Mr. S. Dutta, learned Standing counsel, Revenue Department for the respondent no. 1; Mr. J. Handique, learned Junior Government Advocate, Assam for the respondent nos. 2 – 4; Mr. U. Sharma, learned counsel appearing on behalf of Mr. S. Dutta,

learned Standing Counsel, Panchayat and Rural Development Department for the respondent no. 5; and Mr. S. Islam, learned counsel for the respondent no. 6.

The petitioner no. 1, Natun Kathmi Bazar Samity [‘the petitioner no. 1 samity’, for short] has stated that it owns and possesses a plot of land measuring 2 Bighas 1 Katha 5 Lessas [2B-1K-5L], covered by Dag no. 269, Village – Natun Kathmi, Mouza – Sontoli, Chamaria Revenue Circle, District – Kamrup [‘the subject-plot no. 1’, for short] and it runs a daily/weekly market thereon in the name and style of Natun Kathmi Bazar. The market named Natun Kathmi Bazar is situated by the side of Chamaria to Sontoli via Kalatoli road. On the north side of the market, Natun Kathmi Bazar, there exists a plot of land belonging to the Government, measuring 3 Kathas 4 Lessas, covered by Dag no. 268 [‘the subject-plot no. 2’, for short], which is adjacent of Dag no. 269. As the subject-plot no. 2 is contiguous and adjacent to subject-plot no. 1, the petitioner no. 1 samity had submitted an application for allotment of the subject-plot no. 2 in its favour. On finding that the respondent no. 6 had also made application for allotment of the subject-plot no. 2, the petitioners including the petitioner no. 1 samity, have approached this Court by the instant writ petition seeking *inter alia* a direction to the respondent authorities, more particularly, the respondent no. 2 to make allotment of the subject-plot no. 2 in favour of the petitioner no. 1 samity and not in favour of the respondent no. 6 on the premise that the respondent no. 6 already owns sufficient land in his name.

When the writ petition was listed on 24.07.2023, the learned State Counsel was requested to obtain instructions as regards the status of the applications submitted by the petitioner no. 1 samity and the respondent no. 6 in the matter of allotment of the subject-plot no. 2.

Mr. Handique, learned Junior Government Advocate, Assam has furnished a Communication bearing no. E-25871 LS-11/887/2023-KRS dated 10.08.2023, addressed to him by the Additional District Commissioner, Kamrup, Amingaon. A compliance report is found annexed to the Communication dated 10.08.2023. As per the compliance report submitted by the Circle Officer, Chamaria Revenue Circle, both the applications made by the petitioner no. 1 samity and the respondent no. 6 for allotment of the subject-plot no. 2 have been rejected as the subject-plot no. 2 falls within road side reserved land and is not eligible for settlement.

In view of the rejection of applications of both the petitioner no. 1 samity and the respondent no. 6, the present writ petition is rendered infructuous.

Both Mr. Biswas, learned counsel for the petitioner and Mr. Islam, learned counsel for the respondent no. 6 have submitted that the orders rejecting the applications for allotment submitted by them have not yet been communicated to them. They have submitted that if the order[s] rejecting their applications are communicated to them, they would be at liberty to avail appropriate remedy under the law challenging such order[s] of rejection.

Mr. Handique, learned Junior Government Advocate has submitted that the order[s] rejecting the applications for allotment of the subject-plot no. 2 of the petitioner no. 1 samity and the respondent no. 6 would be duly communicated to them, if not already communicated.

With the observation that the order[s] rejecting the applications for allotment of subject-plot no. 2 by the petitioner no. 1 samity and the respondent no. 6 shall be communicated to them, if not already communicated till date, within a period of 30 [thirty] days from today, the writ petition is closed. As the subject-plot no. 2 is a road side reserved land as per revenue records, there shall not be any

construction by any of the private parties.

JUDGE

Comparing Assistant