

GAHC010052562021



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

Case No. : WP(C)/2059/2021

BANI KANTA DAS
S/O- LT. LAKSHMI RAM DAS, R/O- VILL- GOTANAGAR, P.O. GOTANAGAR,
P.S. JALUKBARI, PIN- 781033, DIST.- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY ITS SECY., DEPTT. OF REVENUE (LR) DISPUR, GHY-6

2:THE DY. COMMISSIONER
KAMRUP (M) DISTRICT
GHY-1

3:ADDL. DY. COMMISSIONER
KAMRUP (M) DISTRICT
GHY-1

4:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
KAMRUP (M)
GHY-1
ASSA

For the petitioner (s) : Mr. S. Saikia, Advocate

For the respondent (s) : Ms. S. Sarma, Govt. Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

13.10.2023

The instant writ petition has been filed by the petitioner being aggrieved by the inaction on the part of the respondent No.3 in not disposing of his application for correction of the land records which has been registered and numbered as Case No.KRC(M)/144/2014.

2. From a perusal of the materials on record it reveals that the petitioner had purchased a plot of land measuring 1 katha 12 lechas situated at village Gotanagar covered by Dag Nos.346 & 348 included in KP Patta Nos.163 & 165 under Mouza-Jalukbari in the district of Kamrup (M), Assam vide the registered Sale Deed bearing Deed No.826/98 dated 26.02.1998. Pursuant thereto, as the settlement operation was going on, the Assistant Settlement Officer had also given a certificate that the petitioner is the owner of 1 katha 12 lechas of land which corresponds to 3 lechas of land covered by Dag Nos.348 (old)/716 (new) of KP Patta No.163 (old) and 1 katha 9 lechas of land covered by Dag Nos.346 (old)/719 (new) of KP Patta Nos.165 (old)/272 (new). On the basis of the said, the petitioner had also taken the permission from Guwahati Municipal Corporation and raised construction over it. However, in the records of right, the land of the petitioner has been shown as 1 katha 6 lechas instead of 1 katha 12 lechas for which the petitioner had filed an application for necessary correction of the records of rights which has been registered and numbered as Case No.KRC(M)/144/2014. The said

application however has not been disposed of inspite of the petitioner approaching the respondent authorities time and again. Under such circumstances, the petitioner has approached this Court under Article 226 of the Constitution seeking appropriate direction.

3. This Court has also heard the learned counsel appearing on behalf of the respondent Nos.2, 3 & 4 who submits that appropriate direction may be issued to the respondent No.4 to decide the said application filed by the petitioner in a time bound matter.

4. Taking into account the above, the instant writ petition therefore stands disposed of with a direction to the respondent No.2 to dispose of the said application of the petitioner registered and numbered as Case No.KRC(M)/144/2014 within a period of 3 (three) months from the date a certified copy of the instant order is served upon the respondent No.2.

5. This Court further makes it clear that directions passed above can be carried out either the Deputy Commissioner himself or through his delegate, i.e. the respondent No.3.

6. With the above direction, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant