

GAHC010077882022



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

Case No. : I.A.(Civil)/1236/2022

CHANDRADHAR KALITA AND ANR.
S/O LATE LALIT KALITA, R/O VILL AND PO- DHARAPUR, PS AZARA,
KAMRUP(M)-781017

2: BORODA KALITA
S/O LATE LALIT KALITA
R/O VILL AND PO DHARAPUR
PS AZARA
KAMRUP(M)
GUWAHATI-78101

VERSUS

PRATIBHA KALITA
W/O LATE RAJDHAR KALITA, R/O VILL AND PO- DHARAPUR, PS AZARA,
KAMRUP(M)-781017

2:THE DEPUTY COMMISSIONER
DISTRICT- KAMRUP(M)
PIN-781017
ASSAM

3:THE DEPUTY COMMISSIONER
DISTRICT KAMRUP(M)
GUWAHATI-781001

4:THE ADDITIONAL DEPUTY COMMISSIONER
R.K.G. BRANCH
DIST. KAMRUP(M)
GUWAHATI-781001

5:THE CIRCLE OFFICER
AZARA REVENUE CIRCLE
AZARA

DIST. KAMRUP(M)
PIN-781017
ASSA

Advocate for the Petitioner : MR. K SINGHA

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/190/2022

PRATIBHA KALITA
W/O LATE RAJDHAR KALITA
RESIDENT OF VILLAGE AND PO DHARAPUR
PS AZARA
KAMRUP (M) ASSAM 781017

VERSUS

THE STATE OF ASSAM AND 3 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI 06

2:THE DEPUTY COMMISSIONER
KAMRUP (M)
DIST GUWAHATI 781001
3:THE ADDITIONAL DEPUTY COMMISSIONER
R.K.G BRANCH
KAMRUP(M)DIST GUWAHATI 781001
4:THE CIRCLE OFFICER

AZARA REVENUE CIRCLE
AZARA
DIST KAMRUP(M) ASSAM 781017

Advocate for : MR. B D KONWAR SR. ADV.
Advocate for : GA
ASSAM appearing for THE STATE OF ASSAM AND 3 ORS

Linked Case : I.A.(Civil)/2140/2022

SATYAM CONSORTIUM PVT. LTD.
A COMPANY REGISTERED UNDER THE COMPANIES ACT
1956
HAVING ITS REGISTERED OFFICE AT CHRISTIAN BASTI
G.S. ROAD
GUWAHATI-781005
DISTRICT KAMRUP(M)
ASSAM
REPRESENTED BY ITS AUTHORISED SIGNATORY
SHRI SAMPAT KUMAR SHARMA (AGED ABOUT 38 YEARS).
DIST GUWAHATI 781001

VERSUS

PRATIBHA KALITA AND 4 ORS.
W/O LATE RAJDHAR KALITA RESIDENT OF VILLAGE AND PO DHARAPUR
PS AZARA
KAMRUP (M) ASSAM 781017

2:THE STATE OF ASSAM

REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE GOVT. OF
ASSAM
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI 06

3:THE DEPUTY COMMISSIONER
DISTRICT KAMRUP (M)

GUWAHATI 781001.

4:THE ADDITIONAL DEPUTY COMMISSIONER

R.K.G BRANCH
KAMRUP(M)DIST GUWAHATI 781001.

5:THE CIRCLE OFFICER

AZARA REVENUE CIRCLE
AZARA
DIST KAMRUP(M) ASSAM 781017.

Advocate for : MS. B S GOYAL

Advocate for : GA

ASSAM appearing for PRATIBHA KALITA AND 4 ORS.

**BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI**

ORDER

13.02.2023

Heard Shri BD Das, learned Senior Counsel for the writ petitioner. Also heard Shri N. Goswami, learned State Counsel for the respondent nos. 2 to 4. In IA(C)/1236/2022, Shri K. Singha, learned counsel appears for the applicants and in IA(C)/2140/2022, Ms. BS Goyal, learned counsel appears for the applicant.

2. Both the IAs are filed for impleadment of the applicants in the writ petition.

3. However, considering the nature of the writ petition and after hearing the parties, this Court is of the opinion that instead of entering into *inter se* merits of the respective cases of the parties, the writ petition itself can be disposed of in the following manner. However, it is necessary to record the basic facts of the case.

4. The petitioner claims to be the wife of Lt. Rajdhar Kalita, who was the pattadar of a plot of land measuring 1 Bigha 3 Katha and 11 Lechas under Dag Nos. 41 & 42 of Patta No. 684 of village Azara under Ramcharani Mouza, district- Kamrup (M), Assam. The husband of the petitioner had expired in the year 2011 and on 31.05.2021 the petitioner had applied before the Competent Authority for correction of the relevant land records. It is the case of the petitioner that the Additional Deputy Commissioner has passed an order dated 17.11.2021 as per which a direction was given to correct the land records by substituting the name of the petitioner instead of her deceased husband.

5. On the other hand, Shri N. Goswami, learned State Counsel has submitted that he has obtained the written instructions that the matter is under examination before the appropriate authority in which the interest of the applications in both the IAs namely, IA(C)/1236/2022 and IA(C)/2140/2022 are also taken into consideration.

6. Shri K. Singha, learned counsel for the applicants in IA(C)/1236/2022 and Ms.

BS Goyal, learned counsel for the applicant in IA(C)/ 1240/2022 however submit that the interest of their clients are also involved in this matter as they are *bona fide* purchasers of a part of the plot of land owned by the husband of the petitioner.

7. The projected case of the applicant in IA(C)/2140/2022 is that the husband of the petitioner during his lifetime had sold a part of the land to the applicants. Along with the same, a part of the Government land which was in the possession of the brother of the husband of the petitioner had also been handed over to the applicant on onetime consideration. However, during the pandemic, certain manipulations were done with the records of right for which necessary complaint has been filed and is pending.

8. Shri K. Singha, learned counsel for the applicants in IA(C)/1236/2022, who supports the version of the applicant in IA(C)/2140/2022 and submits that his clients were the joint owners of the plot of land along with the husband of the petitioner and therefore the claim of the petitioner is not *bona fide* at all. He further submits that during the pandemic there was manipulation done with the records of right for which his complaint is also pending.

9. The aforesaid allegations however are disputed by Shri BD Das, the learned Senior Counsel for the petitioner.

10. After hearing the parties, this Court is of the opinion that the role of a Writ Court not being one which would go into the facts of the dispute and in the present case, the facts being disputed, interest of justice would be met if the authority which would adjudicate the matter i.e. Deputy Commissioner, Kamrup (M) or in any other Officer authorized by him to look into the grievance of not only the petitioner but also of the two applicants, namely, Shri Chandradhar Kalita and Shri Boroda Kalita and pass reasoned and speaking order.

11. To facilitate the said Officer to come to a logical conclusion, all the parties in the */is* are given liberty to place on record their respective cases along with supporting

documents which may be done within a period of 15 days from today. The matter may thereafter be taken on board and disposed of within a period of 45 days from the date of receipt of such documents.

12. The writ petition along with IAs are accordingly disposed of.

13. The written instructions placed before this Court by Shri N. Goswami, learned State Counsel is made a part of the records.

JUDGE

Comparing Assistant