

GAHC010079022021



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

Case No. : WP(C)/5483/2021

BOGAI NATH AND 2 ORS.
S/O- LATE KUMAL NATH, R/O- CHAGALI CHUBURI, P.O. RANGAMATI, P.S.
TEZPUR, DIST.- SONITPUR- 784153

2: JUGO NATH
S/O- LATE KUMAL NATH
R/O- CHAGALI CHUBURI
P.O. RANGAMATI
P.S. TEZPUR
DIST.- SONITPUR- 784153

3: PADUM NATH
S/O- LATE KUMAL NATH
R/O- CHAGALI CHUBURI
P.O. RANGAMATI
P.S. TEZPUR
DIST.- SONITPUR- 78415

VERSUS

THE STATE OF ASSAM AND 9 ORS.
TO BE REP. BY THE COMM. AND SECY., REVENUE AND DISASTER
MANAGEMENT, GOVT. OF ASSAM, DISPUR, GHY-5

2:THE DEPUTY COMMISSIONER
SONITPUR
TEZPUR
DIST-SONITPUR

3:THE CIRCLE OFFICER
TEZPUR SADAR REVENUE CIRCLE
TEZPUR
DIST-SONITPUR
PIN-782446

4:SUBASH BORA
S/O LATE HARAKANTA BORA
R/O VILL-KANAI BORA CHUBURI
P.O.-BESERIA
P.S.-TEZPUR
DIST-SONITPUR-789150

5:ANIL BORA
S/O LATE HARAKANTA BORA
R/O VILL-KANAI BORA CHUBURI
P.O.-BESERIA
P.S.-TEZPUR
DIST-SONITPUR-789150

6:SMT. BINU BORA
D/O LATE HARAKANTA BORA
R/O VILL-KANAI BORA CHUBURI
P.O.-BESERIA
P.S.-TEZPUR
DIST-SONITPUR-789150

7:MIHIRAM BORA
S/O LATE JALHU KATANI
R/O VILL-KANAI BORA CHUBURI
P.O.-BESERIA
P.S.-TEZPUR
DIST-SONITPUR-789150

8:PRANAB KUMAR BORA
S/O LATE RATNESWAR BORA
R/O VILL-KANAI BORA CHUBURI
P.O.-BESERIA
P.S.-TEZPUR
DIST-SONITPUR-789150

9:SMT. BIMALA BORA
W/O LATE SUREN MOHAN BORA
R/O VILL-KANAI BORA CHUBURI
P.O.-BESERIA
P.S.-TEZPUR
DIST-SONITPUR-78915

Advocate for the Petitioner : MR. B CHAKRAVARTY

Advocate for the Respondent : SC, REVENUE

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

ORDER

29.03.2023

Heard Shri B. Chakravarty, learned counsel for the petitioners. Also heard Ms. S. Sharma, learned State Counsel whereas the Revenue Department is represented by the Standing Counsel, Shri A. Bhattcharjee.

Considering the subject matter in dispute and also the fact that the writ petition is pending at the motion stage from the year 2021, the same is taken up for disposal.

The petitioners project that they have inherited a plot of land from their father measuring 2 Bighas 4 Kathas covered by K.P. Patta No. 96, Dag No. 838 of Mouza-Bhairabpad, village Sopora Chuburi under Tezpur Sadar Revenue Circle. After the death of their father, the names of the petitioners have been mutated in the Records of Right in the year 2012. However, the petitioners claim that certain persons have been disturbing their peaceful possession and enjoyment of the land and accordingly on 30.12.2014, the petitioners had submitted an application for demarcation of the land. However, apart from issuing a notice on 17.01.2015 by the Circle Officer, no discernible action has been taken as a result of which the petitioners are suffering prejudice.

Accordingly, the instant writ petition has been filed.

Shri Chakravarty, the learned counsel for the petitioners have submitted that the proceeding having initiated by issuance of the notice, there cannot be any reason for not bringing the same to a logical conclusion.

Shri A. Bhattacharjee, learned Standing Counsel, Revenue as well as Ms. S. Sharma, learned State Counsel jointly submit that the application for demarcation can be treated to be an application under the Assam Right to Public Service Act, 2012 and the Office Memorandum issued thereunder.

After hearing the parties and on perusal of the issue in dispute, this Court is of the view that the proceeding having been initiated and notices issued, the Authority, specially the Circle Officer, Tezpur Sadar Revenue Circle is duty bound to bring the same to a logical conclusion.

The petitioners in fact have also a right under the Assam Right to Public Service Act, 2012 wherein demarcation has been held to be one of the Public Services. Further, the Government of Assam Revenue Department has also issued an Office Memorandum dated 21.12.2020 wherein a detailed procedure has been laid down.

In view of the above, the proceeding initiated by the Circle Officer, Tezpur Sadar Revenue Circle being case No. 17/2014-15 in which notices were issued fixing 17.01.2015 be brought to a logical conclusion.

The aforesaid exercise be completed expeditiously and preferably within an outer limit of 3 (three) months from today. The said authority is to ensure that notices are issued upon all the affected parties and are given a reasonable opportunity of hearing before passing final orders.

Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant