

GAHC010081892021



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

Case No. : WP(C)/6152/2021

SUMANTA GOSWAMI AND 2 ORS.
S/O. LT. AMAL CH GOSWAMI, OWNER AND R/O. PLOT DEFINED IN
EXTENDED CHIRING CHAPORI KHATONIAR PARA ROAD, DIBRUGARH
AND PRESENTLY RESIDING AT HOUSE NO. 9 ASHROY PATH VIA DR ZAKIR
HUSSAIN PATH, P.O. AND P.S. DISPUR, GUWAHATI-06.

2: SMT. ANITA GOSWAMI
W/O. LT. AMAL CH GOSWAMI
OWNER AND R/O. PLOT DEFINED IN EXTENDED CHIRING CHAPORI
KHATONIAR PARA ROAD
DIBRUGARH AND PRESENTLY RESIDING AT HOUSE NO. 9 ASHROY PATH
VIA DR ZAKIR HUSSAIN PATH
P.O. AND P.S. DISPUR
GUWAHATI-06.

3: SMT. SUSMITA GOSWAMI
D/O. LT. AMAL CH GOSWAMI AND W/O. SRI DILIP KR BARUAH
OWNER AND R/O. PLOT DEFINED IN EXTENDED CHIRING CHAPORI
KHATONIAR PARA ROAD
DIBRUGARH AND PRESENTLY RESIDING AT HOUSE NO. 9 ASHROY PATH
VIA DR ZAKIR HUSSAIN PATH
P.O. AND P.S. DISPUR
GUWAHATI-06

VERSUS

THE STATE OF ASSAM AND 2 ORS.
REP. BY THE COMMISSIONER AND SECRETARY GOVT. OF ASSAM DEPTT.
OF REVENUE DISPUR, GUWAHATI-781006.

2:DEPUTY COMMISSIONER

DISTRICT DIBRUGARH

3:CIRCLE OFFICER
DIBRUGARH REVENUE CIRCLE

Advocate for the Petitioner : MRS S GOSWAMI

Advocate for the Respondent : MR. B J TALUKDAR (SC, REVENUE-R NO.1)

BEFORE
HONOURABLE MR. JUSTICE SANJAY KUMAR MEDHI

ORDER

17.02.2023

Heard the petitioner No. 1 in person. Also heard Shri S. Baruah, the learned State Counsel whereas Ms. G. Hazarika, learned Standing Counsel, Revenue Department has appeared for the respondent no.1.

This writ petition is pending since the year 2021 wherein the petitioner apart from filing the writ petition has filed two number of additional affidavit also. The respondent no. 2 has also filed the affidavit-in-opposition.

The projected facts is that, Late Amal Ch. Goswami, the predecessor in interest of the petitioner had sold a plot of land measuring 1 Katha and another plot of 7 lecha for road to one Pradip Borthakur out of his possession of 3 Katha that he had purchased in the year 1979 vide a registered sale deed. The details of the land purchased by Late Amal Ch. Goswami, is given in Schedule-A whereas the land sold to Shri Pradip Borthakur has been shown in Schedule B. However, after such transactions, no exercise for demarcation has been done and taking advantage of that, certain encroachers have encroached upon the land sold to Shri Pradip Borthakur for the purpose of the road.

The petitioner also submits that an appeal has been filed before the respondent no. 2 - The Deputy Commissioner, Dibrugarh being Appeal No. 803

dated 11.07.2019 which is still pending consideration.

The petitioner No. 1 in person has submitted that the grievance of the petitioners would perhaps be redressed if the appeal is taken up by the respondent no. 2 and disposed of in accordance with law in which case, the exercise of demarcation would be a necessary consequence.

Shri S. Baruah, the learned State Counsel and Ms. G. Hazarika, learned Standing Counsel, Revenue submits that they would not oppose, in principle, if a direction is issued for disposal of the Appeal No. 803 dated 11.07.2019 by the Deputy Commissioner, Dibrugarh (respondent no. 2).

In view of the above, the instant writ petition is disposed of by directing the learned Deputy Commissioner, Dibrugarh to take on board the Appeal No. 803 dated 11.07.2019 and dispose of the same expeditiously and preferably within a further period of 4 (four) months from the date of receipt of certified copy of this order.

The petitioners may also file such further papers/ documents so as to facilitate the appellate authority to dispose of the appeal.

It is further directed that depending upon the orders that may be passed by the appellate authority, necessary action for demarcation be carried out in accordance with law and without any further delay.

Writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant