

GAHC010117602023



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

I.A.(Civil)/1519/2023

NAJMA BEGUM AND 6 ORS.
W/O- LATE SALIM AHMED
R/O- BALIJAN
KHAN BASTI
P..S KHATKHATI
P.O. KARAGAON
LAHORIJAN BLOCK NO. 3
BORJAN MOUZA
DIST.- KARBI ANGLONG
ASSAM
PIN- 782480.

2: MUMTAZ KHAN BEGUM
D/O- LATE MANSUR AHMED
R/O- BALIJAN
KHAN BASTI
P..S KHATKHATI
P.O. KARAGAON
LAHORIJAN BLOCK NO. 3
BORJAN MOUZA
DIST.- KARBI ANGLONG
ASSAM
PIN- 782480.

3: YASHMIN KHAN
D/O- LATE MANSUR AHMED
R/O- BALIJAN
KHAN BASTI
P..S KHATKHATI
P.O. KARAGAON
LAHORIJAN BLOCK NO. 3
BORJAN MOUZA
DIST.- KARBI ANGLONG
ASSAM

PIN- 782480.

4: AFTAB UDDIN AHMED
S/O- LATE NASIR AHMED
R/O- BALIJAN
KHAN BASTI
P..S KHATKHATI
P.O. KARAGAON
LAHORIJAN BLOCK NO. 3
BORJAN MOUZA
DIST.- KARBI ANGLONG
ASSAM
PIN- 782480.

5: ALOM AHMED
S/O- LATE JAFAR AHMED
R/O- BALIJAN
KHAN BASTI
P..S KHATKHATI
P.O. KARAGAON
LAHORIJAN BLOCK NO. 3
BORJAN MOUZA
DIST.- KARBI ANGLONG
ASSAM
PIN- 782480.

6: MOON AHMED
S/O- LATE JAFAR AHMED
R/O- BALIJAN
KHAN BASTI
P..S KHATKHATI
P.O. KARAGAON
LAHORIJAN BLOCK NO. 3
BORJAN MOUZA
DIST.- KARBI ANGLONG
ASSAM
PIN- 782480.

7: SANJU ALI
S/O- KOYSER JAHAN
R/O- BALIJAN
KHAN BASTI
P..S KHATKHATI
P.O. KARAGAON
LAHORIJAN BLOCK NO. 3
BORJAN MOUZA
DIST.- KARBI ANGLONG
ASSAM

PIN- 782480.

VERSUS

THE STATE OF ASSAM AND 5 ORS.

REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVERNMENT OF

ASSAM

HOME DEPARTMENT

DISPUR

GUWAHATI-6

ASSAM

2:KARBI ANGLONG AUTONOMOUS COUNCIL

REP. BY THE CHAIRMAN

DIPHU

KARBI ANGLONG

ASSAM

PIN- 782460.

3:DEPUTY SECRETARY

DEPARTMENT OF REVENUE

KARBI ANGLONG AUTONOMOUS COUNCIL

DIPHU

ASSAM

PIN- 782460.

4:THE DEPUTY COMMISSIONER

KARBI ANGLONG AUTONOMOUS COUNCIL

DIPHU

ASSAM

5:REVENUE OFFICER

KARBI ANGLONG AUTONOMOUS COUNCIL

KARBI ANGLONG

ASSAM

6:ASSISTANT SETTLEMENT OFFICER

KARBI ANGLONG AUTONOMOUS COUNCIL

DIPHU

ASSAM

Advocate for : MS. S. TODI

Advocate for : GA

ASSAM appearing for THE STATE OF ASSAM AND 5 ORS.

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

01.06.2023

Heard Mr. G.N. Sahewalla, learned senior counsel assisted by Mr. P. Deka, learned counsel for the applicant; Ms. M. Barman, learned Junior Government Advocate, Assam for the opposite party nos. 1 & 4; and Mr. J. Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council [KAAC] for the opposite party nos. 2, 3, 5 & 6.

2. The applicants as the petitioners, have preferred the connected writ petition, W.P.[C] no. 7287/2021 seeking inter alia a direction to the respondent authorities therein, that is, the opposite parties herein not to take coercive action with regard the plots of land measuring 24 Bighas, located at Khan Basti, Village – Balijan, Mouza - Borjan, District – Karbi Anglong, covered by Dag nos. 86[G], 86[H], 86[I] & 86[J].

3. Having found a news report [Annexure-E] that an eviction drive would be carried out by the opposite party-respondent KAAC authorities at Village – Balijan, Mouza - Borjan, District – Karbi Anglong, the applicants have preferred the instant interlocutory application seeking a direction of the similar nature as prayed for in the writ petition, W.P.[C] no. 7287/2021.

4. Mr. Chutia, learned Standing Counsel, KAAC has placed an order bearing no. KAAC/Rev-1893/Eviction Lahorijan/2023/2 dated 24.05.2023 of the Principal Secretary, KAAC, whereby the eviction process is contemplated to be undertaken to free 77 Bighas 3 Kathas 5 Lessas of Government land covered by Dag nos. 23, 55, 25, 43, 50, 39, 38, 41, 47, 1, 2, 4, 5, 6, 7, 8, 15, 26, 28, 46, 49 & 51 and the Government lands without Dag no. of Village – Lahorijan Block no. 3, Mouza – Borjan, Diphu Revenue Circle from encroachment. It is further submitted by Mr. Chutia that in the order dated 24.05.2023, it is expressly mentioned that the plots of land involved in the writ petitions pending before this Court shall not be disturbed till the writ petitions are disposed of. In such view of the matter, Mr. Chutia has submitted that

since no eviction drive is contemplated to be undertaken in connection with the plots of land mentioned in the order dated 23.12.2021 passed in the writ petition, W.P.[C] no. 7287/2021, the apprehension of the applicant-petitioner is misplaced as the said plots of land are not part of the proposed eviction drive.

5. In view of the above fact situation emerging from the instructions placed by Mr. Chutia, learned Standing Counsel, KAAC including the order dated 24.05.2023, there is no necessity to pass any fresh order apart from reiterating that the respondent KAAC authorities shall abide by the direction already given in the order dated 23.12.2021 passed in the writ petition, W.P.[C] no. 7287/2021.

6. The interlocutory application stands disposed of accordingly.

7. A copy of the set of instructions including the order bearing no. KAAC/Rev-1893/Eviction Lahorijan/2023/2 dated 24.05.2023 of the Principal Secretary, KAAC, placed by Mr. Chutia, learned Standing Counsel, KAAC, be kept as part of the case records.

JUDGE

Comparing Assistant