

GAHC010122652022



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

Case No. : I.A.(Civil)/1817/2022

MANIK ALI AND 4 ORS
S/O. LT. MOFIZ UDDIN,

2: MAINUDDIN
S/O. LT. MAJIBAR RAHMAN

3: ALI HUSSAIN
S/O. LT. AKTAR ALI

4: AFZAL HUSSAIN
S/O. LT. AKTAR ALI

5: ABED ALI
S/O. LT. AKTAR ALI
ALL ARE R/O. VILL. TULSIBARI
RANGIA DARRANGA ROAD
P.O. TULSIBARI
P.S. RANGIA
DIST. KAMRUP
ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-06.

2: THE COLLECTOR/ THE DEPUTY COMMISSIONER (REVENUE BRANCH)

KAMRUP AT AMINGAON
DIST. KAMRUP

ASSAM
GHY-31.

3:THE SUB-DIVISIONAL OFFICER

RANGIA SUB-DIVISION
DIST. KAMRUP
ASSAM
PIN-781376.

4:THE CIRCLE OFFICER

RANGIA REVENUE CIRCLE
RANGIA
P.O. RANGIA
DIST. KAMRUP
ASSAM
PIN-781376.

5:THE SECRETARY

TULSIBARI BAZAR
UNNAYAN COMMITTEE
RANGIA
DIST. KAMRUP
ASSAM
PIN-781376

Advocate for the Petitioner : MR. M K CHOUDHURY

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

13.10.2023

Heard Mr. S. Hoque, learned counsel for the applicants. Also heard Ms. N. Bordoloi, learned Standing Counsel, Revenue Department, Assam and Mr. S. Baruah, learned Govt. Advocate, Assam appearing for the official respondents. This I.A. has been filed with a prayer to issue further direction upon the

respondents to implement the order dated 11.05.2022 passed by that Court in I.A.(Civil) No.1334/2022.

It appears that the applicants had earlier approached this Court by filing I.A. (Civil) No.1334/2022 arising out of WP(C) No.2691/2022 seeking protection of their possession and right over the land measuring 2 Bighas 3 Kathas and 11 Lechas covered by Dag No.765, Khatian No.119, Eksona Patta No.57, (Old N. K. Patta No.3) of village – Tulsibari, Mouza- Panduri, Rangia Revenue Circle in the district of Kamrup. However, since the petitioners were already evicted from the land in question, hence, by order dated 11.05.2022 the learned Single Judge had directed that until disposal of WP(C) No.2691/2022, the aforesaid plot of land shall not be handed over to any private party/3rd party including the respondent No.4, without the leave of the Court. The instant I.A. has been filed *inter-alia* contending that some persons have been seen to be working in the plot of land and therefore, there is reasonable ground to presume that the land has been allotted to third party in violation of the order of this Court.

Ms. Bordoloi has, however, refuted the contention of the applicants' counsel and by referring to the affidavit filed in the writ petition as well as in this I.A. submits that no allotment of the land has been made till today to any private party/3rd party and therefore, the allegations are completely unfounded.

If the authorities have taken a categorical stand in the affidavit that the land in question has not been allotted to any 3rd party/private party in violation of the Court's order, the question of issuing any further order in this I.A., as prayed for, does not arise. In other words, from the materials on record it is established that the order of this Court has been implemented by the authorities. Merely

because the applicants have seen some person in the field cannot be construed as an act of violation of the order of this Court unless there are documentary evidence to show that the allotment of the land has been made in favour of such persons.

In view of the above, this I.A. stands closed by observing that no further order calls for in this proceeding.

JUDGE

Comparing Assistant