

GAHC010124352014



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

Case No. : WP(C)/2486/2014

JYOTINDRA NARAYAN DUTTA BORUAH and ANR
S/O LT. HARI NARAYAN DUTTA BARUAH, R/O COLLEGE HOSTEL ROAD,
PANBAZAR, GHY-1, P.S. PANBAZAR, DIST- KAMRUP METRO, ASSAM

2: MANIDEEPA DUTTA BARUAH
W/O LT. RAMENDRA NARAYAN DUTTA BARUAH
R/O COLLEGE HOSTEL ROAD
PANBAZAR
GHY-1
P.O. and P.S. PANBAZAR
DIST- KAMRUP METRO
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GHY-6

2:THE DY. COMMISSIONER
KAMRUP METRO
PANBAZAR
GHY-1

3:THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
PANBAZAR
GHY-1

4:MONOROMA DUTTA BARUAH
W/O LT. MANINDRA NARAYAN DUTTA BARUAH

5:RENU DUTTA BARUAH
W/O LT. BHABENDRA NARAYAN DUTTA BARUAH

6:(a) SRI PRASENJEET DUTTA BARUAH
S/O. LATE JITENDRA DUTTA BARUAH
R/O. S-17/1701
CLOSE SOUTH
NIRVANA COUNTRY
SOUTH CITY-2
GURGAON
HARYANA-122018.

6:ON THE DEATH OF SREEMOYEE DUTTA BARUAH
HER LEGAL HEIRS 6(a) AND 6(b) REPRESENTING
W/O LT. JATENDRA NARAYAN DUTTA BARUAH
NOS.4 TO 6 ARE THE R/O SREE GURU PRESS COMPLEX
NEAR MALIGAON RLY GATE NO.3
GHY-11
DIST- KAMRUP METRO
ASSAM

6:(b) SMTI. ANUSHKA SINGH
D/O. LATE JITENDRA DUTTA BARUAH
R/O. F-63
GREENWOOD CITY
NEAR UNITECH CYBER PARK
SECTOR-46
GURGAON
HARYANA-122002

For the Petitioners : Mr. P.Nayak, Advocate.

For the Respondents : Mr. N. Goswami, Advocate (R-2).
Mr. A.H.M.R. Choudhury, Advocate (R-4).

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH
ORDER

26.07.2023

The Petitioners herein are aggrieved by the inaction on the part of the Office of the Deputy Commissioner, Kamrup(Metro) in not disposing off the

Partition Case No. 7/2011-12 which is pending before the said authorities since the year 2012.

2. This Court vide an order dated 24.07.2023 directed the learned counsel appearing on behalf of the Deputy Commissioner, Kamrup(Metro) to obtain instructions as regards the application filed by the Petitioner seeking partition.

3. Mr. N. Goswami, the learned counsel appearing on behalf of the Deputy Commissioner, Kamrup(Metro) had produced an instruction issued by the Additional Deputy Commissioner, Kamrup(Metro), wherein it has been mentioned that all Land Records and Revenue Map of Kamakhya Revenue Village were submitted to this Court as per the order passed in W.P.(C) No. 6498/2003 and Misc. Case No. 2613/2009. It was further mentioned that all revenue related works were kept in abeyance and no revenue records were available in the Office of the Circle Officer, Guwahati Revenue Circle during the pendency of W.P.(C) No. 6498/2003. Further to that, it was stated that the said writ petition upon being disposed off the revenue records have been returned to the Circle Officer, Guwahati Revenue Circle. It was also stated that the Partition Case No. 7/2011-12 is still pending in the Office of the Circle Officer, Guwahati Revenue Circle and would be settled as per the relevant Rules applicable in case of partition of land in the State of Assam.

4. Mr. A.H.M.R. Choudhury, the learned counsel appearing on behalf of the Respondent No. 4 submitted that the said Respondent should also be heard before passing any orders in the said proceeding.

5. This Court put a specific query upon Mr. N. Goswami, the learned counsel appearing on behalf of the Deputy Commissioner, Kamrup(M) as to within what time span the said partition proceedings could be completed. The learned

counsel submitted that he has no instruction as to how much time would be required for finalisation of the said partition proceedings inasmuch as notices have to be issued to all concerned and only upon hearing them, the said partition proceedings could be brought to a logical conclusion. The learned counsel further submitted that in case there arises serious disputes as regards Title, the same has to be referred to the competent Court for decision by keeping the partition proceedings in abeyance. However, he submits that the Deputy Commissioner, Kamrup(Metro) shall take appropriate steps so that the said partition proceeding is culminated at the earliest.

6. Taking into account the above, the instant writ petition therefore stands disposed off thereby directing the Deputy Commissioner, Kamrup(M) to either by himself or through an official duly authorised under his establishment to dispose of the said Partition Case No. 7/2011-12 as expeditiously as possible within a period of 6 (six) months from the date a certified copy of the instant order is served upon Deputy Commissioner, Kamrup(M). It is however made clear that if objections are filed raising any question of title, the learned Deputy Commissioner, Kamrup(Metro) as such Officer duly entrusted shall take steps in terms with Section 100 of the Assam Land & Revenue Regulation, 1886.

7. The communication so submitted by Mr. N. Goswami is kept on record and marked with the letter "X".

JUDGE

Comparing Assistant