

GAHC010132552017



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

Case No. : WP(C)/3698/2017

SUBHASH SARMA and 4 ORS.

S/O. LT. CHUTMAL SARMA, R/O. VILL. NIZ MIKIR GAON, P.O. BARAPUJIA,
P.S. MIKIRBHETA, DIST. MORIGAON, ASSAM.

2: CHANDRA KANTA KEOT
S/O. LT. BAPUTIRAM KEOT
R/O. VILL. NIZ MIKIR GAON
P.O. BARAPUJIA
P.S. MIKIRBHETA
DIST. MORIGAON
ASSAM.

3: PRAHLAD SAIKIA

S/O. KAMALA KANTA SAIKIA
R/O. VILL. DARANGIAL GAON
P.O. BARAPUJIA
P.S. RAHA
DIST. NAGAON
ASSAM
PIN-782001.

4: JITU KUMAR PATAR

S/O. LT. CHITAN PATAR
R/O. VILL. TANGUNMARA
P.S. RAHA
NAGAON
ASSAM
PIN-782001.

5: SMTI. LAMBIKA DEKA

W/O. LT. RANA KANTA DEKA

R/O. VILL. NIZ MIKIR GAON
P.O. MARAPUJIA
P.S. MIKIRBHETA
DIST. MORIGAON
ASSAM
782105

VERSUS

THE STATE OF ASSAM and 5 ORS.
REP. BY THE COMM. and SECY. TO THE GOVT. OF ASSAM, REVENUE
DEPTT., DISPUR, GUWAHATI-6.

2:THE COMM. and SECY. TO THE GOVT. OF ASSAM

P.W.D. ROADS
ASSAM
DISPUR
GUWAHATI-6.

3:THE DIRECTOR OF LAND RECORDS ASSAM

ROOPNAGAR
GUWAHATI-6.

4:THE DY. COMMISSIONER OF MORIGAON DIST.

MORIGAON
ASSAM
PIN-782105.

5:THE EXECUTIVE ENGINEER

P.W.D. ROADS
MORIGAON
DIST. MORIGAON
ASSAM
782105.

6:THE CIRCLE OFFICER

MIKIRBHETA REVENUE CIRCLE
MIKIRBHETA
DIST. MORIGAON
ASSAM. 782105

For the Petitioners

: Mr. J. Ahmed, Advocate.

For the Respondents

: Ms. M. Barman, Advocate.

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

11.08.2023

The instant writ petition has been filed by the Petitioners who are five in numbers challenging the action of the Respondent Authorities in trying to evict the Petitioners from their plot of land covered by Dag No. 697 of Patta No. 349 of Village—Niz Mikir Gaon, P.S.- Mikirbheta in the District of Morigaon, Assam.

2 This Court have duly perused the Annexure-1 to the writ petition which is the Jamabandi in respect to the land covered by Dag No. 697 of Patta No. 349 of Village—Niz Mikir Gaon, P.S.- Mikirbheta in the District of Morigaon, Assam. From a perusal of the said Jamabandi, it reveals that the names of the Petitioners are mentioned therein. It further reveals from Annexure-2 to the writ petition that the pattadars in respect to the land covered by Dag No. 697 have also paid land revenue.

3. Be that as it may, each of the Petitioners have been issued eviction notices under Rule 18(2) of the Settlement Rules framed under the Assam Land and Revenue Regulations, 1886. In the said

eviction notices, it is seen that the Schedule has been duly mentioned to be at Village –Niz Mikir Gaon, Mouza- Silpukhuri, Dag No. Kisam-744, area-1/2 lecha.

4. The learned counsel for the Petitioners duly admits that the Petitioners have no right over the land under Dag No. Kisam-744 which is a Government land.

5. Taking into account the above, this Court therefore disposes off the writ petition directing the Respondent Authorities not to evict the Petitioners in respect to their land covered by Dag No. 697 of Patta No. 349 of Village—Niz Mikir Gaon, P.S.- Mikirbheta in the District of Morigaon, Assam on the basis of the impugned notices.

6. It is made clear that taking into account that the Petitioners have no right over the land covered by Dag No. Kisam-744, the Respondent Authorities, more particularly the Respondent Nos. 4 to 6 shall be at liberty to take such actions as deemed necessary in accordance with law.

7. The interim order, if any stands vacated.

JUDGE

Comparing Assistant