

GAHC010140602021



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

Case No. : WP(C)/4477/2021

HEGUANGSAMYILE ZANME AND 5 ORS
D/O DEIKIAMLUNGBE ZANME
RESIDENT OF MAHADEV TILLA,
PO HAFLONG, DIST DIMA HASAO, 788819

2: SRI PRODIP SINGHA
S/O LATE MEGU SINGH
RESIDENT OF MAHADEV TILLA

PO HAFLONG
DIST DIMA HASAO
788819

3: SRI LETJAKAI HANGSING
S/O LATE SOKAM HANGSING
RESIDENT OF MAHADEV TILLA

PO HAFLONG
DIST DIMA HASAO
788819

4: SRI PAOMINLAL HANGSING
S/O SOKAM HANGSING
RESIDENT OF MAHADEV TILLA

PO HAFLONG
DIST DIMA HASAO
788819

5: SRI CHUNGPIENG HAOLAI
S/O HENJANGAM HAOLAI
RESIDENT OF MAHADEV TILLA

PO HAFLONG

DIST DIMA HASAO
78881

VERSUS

THE NORTH CACHAR HILLS AUTONOMOUS COUNCIL AND 2 ORS
REPRESENTED BY PRINCIPAL SECRETARY (N) HAFLONG, 788819 DIMA
HASAO

2:THE PRINCIPAL SECRETARY
THE NORTH CACHAR HILLS AUTONOMOUS COUNCIL
HAFLONG
DIMA HASAO
788819

3:THE SECRETARY AND REVENUE OFFICER

THE NORTH CACHAR HILLS AUTONOMOUS COUNCIL
HAFLONG
DIMA HASAO
78881

For the Petitioner(s) : Mr. R. Sensua, Advocate

For the Respondent(s) : Mr. R. M. Das, Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 21.08.2023

1. The instant writ petition has been filed by the Petitioners challenging the notice dated 24.08.2021 issued by the Secretary, Revenue, N.C. Hills Autonomous Council, Haflong and seeking for a direction upon the Respondents not to evict/demolish the house of the Petitioners without following the due process of law.

2. Mr. R. M. Das, the learned counsel appearing on behalf of the N.C. Hills

Autonomous Council submits that the Revenue Authorities in the N.C. Hills Autonomous Council are aware about the Petitioners' land wherein they have been granted settlement. However, each of the Petitioners have encroached the road side reserved PWD lands which are Government lands by constructing RCC buildings.

3. This Court finds it relevant to take note of the affidavit-in-opposition filed by the Respondent No.3 wherein at paragraph Nos. 6 to 11, the details pertaining to each of the Petitioners regarding their ownership of the lands in question as well as the encroachment so made by them have been mentioned. The said paragraph Nos. 6 to 11 of the affidavit-in-opposition are reproduced hereinunder:

“6. That the deponent begs to state that Petitioner No.1, Smti Heguangsamyile Zanme is holding a plot of land measuring 13 kathas covered under Periodic Patta No. 31, Dag No.3 at New Boro Haflong. She has encroached 12 feet of the P.W.D Road side reserved land which is a Government Land by constructing a RCC Building on the same plot of land.

7. That the deponent begs to state that the Petitioner no.2, Shri Prodip Singh is holding a plot of land measuring 6 kathas covered by Periodic Patta No. 703, Dag no. 5/322 at Haflong Town No.1 Mahadevtilla. He has encroached 12 feet of the P.W.D Road side reserved land which is a Government Land by constructing a RCC Shop on the same plot of land.

8. That the deponent begs to state that the Petitioner No.3, Shri Letjakai Hangsing is holding a plot of land measuring 5 Kathas 8 Chs. covered by Periodic Patta no. 152, Dag no. 220, G.H.T. No.2 at Haflong Town No.II Mahadevtilla. He has encroached 12 feet of the P.W.D Road

side reserved land which is a Government Land by constructing a RCC Building on the same plot of land.

9. *That the deponent begs to state that the Petitioner No.4, Shri Paominlal Hangsing is holding a plot of Land measuring 2 kathas 1 Chs and also extended land of 9 chs covered by Periodic Patta No.153, Dag No.91 GHT No.2 at Haflong Town No.II Mahadevtilla. He has encroached 13 feet of the P.W.D Road side reserved land which is a Government Land by constructing a RCC Building on the said plot of land.*

10. *That the deponent begs to state that the Petitioner No.5, Shri Ramyibe Panme is holding a plot of land measuring 4 Kathas 12 Chs covered by Periodic Patta No. 191, Dag No.93/94 G.H.T No.2 at Haflong Town No.II, Mahadevtilla. He has encroached 20 feet of the P.W.D Road Side Reserved Land which is a Government Land by constructing a RCC Building on the said plot of land.*

11. *That the deponent begs to state that the Petitioner No.6, Shri Chungpieng Hoala is holding a plot of land measuring 2 Kathas 8 Chs covered by A.K. Patta No.97, Dag No. 69 at Mahadevtilla, Haflong. He has encroached 19 feet of the P.W.D Road Side Reserved Land which is a Government Land by constructing a RCC Building on the same plot of land."*

4. Upon hearing the learned counsels for the parties, this Court is of the opinion that the Respondent Authorities cannot disturb the possession of the Petitioners in respect to their lands which have been settled or allotted to them. However, in respect to the road side reserved lands which are Government lands, the Petitioners have no right to remain in occupation or make any construction thereupon. Under such circumstances, this Court directs the Secretary, Revenue N.C. Hills Autonomous Council, Haflong to carry out a field

verification as to whether the Petitioners are in occupation of the road side reserved Government lands. If it is found that the Petitioners are in occupation of the road side reserved Government lands, the Respondent Authorities shall be at liberty to take such action as per the procedure of law. It is however made clear that the Petitioners' lands which have been settled or allotted to them shall not be disturbed.

5. The Secretary, Revenue N.C. Hills Autonomous Council, Haflong shall carry out the field verification through the competent Revenue Officials on 28.08.2023 at 10:30 AM. The Petitioners are also directed to remain present on 28.08.2023 at 10:30 AM for the field verification/demarcation. Till such verification/demarcation are completed, the interim order shall continue.

6. With the above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant