

GAHC010146062023



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

Case No. : WP(C)/3929/2023

SRI. RAMA KANTA DAS AND 4 ORS
S/O- LATE CHANDISWAR DAS @ CHANDESWAR DAS, R/O- VILL-
UPAHUPARA, P.O. AND P.S. MANGALDAI, MOUZA- RANGAMATI,
REVENUE CIRCLE- MANGALDAI, DIST.- DARRANG, ASSAM

2: RABINDRA DAS
S/O- LATE CHANDISWAR DAS @ CHANDESWAR DAS
R/O- VILL- UPAHUPARA
P.O. AND P.S. MANGALDAI
MOUZA- RANGAMATI
REVENUE CIRCLE- MANGALDAI
DIST.- DARRANG
ASSAM

3: PABITRA DAS
S/O- LATE CHANDISWAR DAS @ CHANDESWAR DAS
R/O- VILL- UPAHUPARA
P.O. AND P.S. MANGALDAI
MOUZA- RANGAMATI
REVENUE CIRCLE- MANGALDAI
DIST.- DARRANG
ASSAM

4: SRI KHAGEN DAS
S/O- LATE CHANDISWAR DAS @ CHANDESWAR DAS
R/O- VILL- UPAHUPARA
P.O. AND P.S. MANGALDAI
MOUZA- RANGAMATI
REVENUE CIRCLE- MANGALDAI
DIST.- DARRANG
ASSAM

5: SMTI. PRATIMA DAS
W/O- LATE CHANDISWAR DAS @ CHANDESWAR DAS

R/O- VILL- UPAHUPARA
P.O. AND P.S. MANGALDAI
MOUZA- RANGAMATI
REVENUE CIRCLE- MANGALDAI
DIST.- DARRANG
ASSA

VERSUS

THE STATE OF ASSAM AND 4 ORS
REP. BY THE COMMISSIONER AND SECRETARY TO THE GOVT. OF ASSAM,
REVENUE DEPTT., DISPUR, GHY-6

2:THE DEPUTY COMMISSIONER
DARRANG AT MANGALDAI
P.O. AND P.S. MANGALDAI
DISTRICT- DARRANG
ASSAM
PIN- 784125

3:THE ADDL. DEPUTY COMMISSIONER
DARRANG AT MANGALDAI
P.O. AND P.S. MANGALDAI
DISTRICT- DARRANG
ASSAM
PIN- 784125

4:THE SUB-DEPUTY COLLECTOR
MANGALDAI REVENUE CIRCLE AT MANGALDAI
P.O. AND P.S. MANGALDAI
DISTRICT- DARRANG
ASSAM
PIN- 784125

5:THE CIRCLE OFFICER
MANGALDAI REVENUE CIRCLE AT MANGALDAI
P.O. AND P.S. MANGALDAI
DISTRICT- DARRANG
ASSAM
PIN- 78412

Advocate for the Petitioner : MR R S CHAUHAN

Advocate for the Respondent : GA, ASSAM

Linked Case : WP(C)/3076/2023

RAMA KANTA DAS AND 4 ORS
SON OF LATE CHANDISWAR DAS @ CHANDESWAR DAS

RESIDENT OF VILLAGE UPAHUPARA

P.O. AND P.S.- MANGALDAI

MOUZA- RANGAMATI

REVENUE CIRCLE- MANGALDAI

DISTRICT- DARRANG
ASSAM.

2: RABINDRA DAS
SON OF LATE CHANDISWAR DAS @ CHANDESWAR DAS

RESIDENT OF VILLAGE UPAHUPARA

P.O. AND P.S.- MANGALDAI

MOUZA- RANGAMATI

REVENUE CIRCLE- MANGALDAI

DISTRICT- DARRANG
ASSAM.

3: PABITRA DAS
SON OF LATE CHANDISWAR DAS @ CHANDESWAR DAS

RESIDENT OF VILLAGE UPAHUPARA

P.O. AND P.S.- MANGALDAI

MOUZA- RANGAMATI

REVENUE CIRCLE- MANGALDAI

DISTRICT- DARRANG
ASSAM.

4: KHAGEN DAS
SON OF LATE CHANDISWAR DAS @ CHANDESWAR DAS

RESIDENT OF VILLAGE UPAHUPARA

P.O. AND P.S.- MANGALDAI

MOUZA- RANGAMATI

REVENUE CIRCLE- MANGALDAI

DISTRICT- DARRANG
ASSAM.

5: PRATIMA DAS
WIFE OF LATE CHANDISWAR DAS @ CHANDESWAR DAS

RESIDENT OF VILLAGE UPAHUPARA

P.O. AND P.S.- MANGALDAI

MOUZA- RANGAMATI

REVENUE CIRCLE- MANGALDAI

DISTRICT- DARRANG
ASSAM.
VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM

REVENUE DEPARTMENT
DISPUR
GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
DARRANG
AT MANGALDAI

P.O. AND P.S.- MANGALDAI

DISTRICT- DARRANG
ASSAM

PIN- 784125.

3:THE ADDL. DEPUTY COMMISSIONER
DARRANG
AT MANGALDAI

P.O. AND P.S.- MANGALDAI

DISTRICT- DARRANG
ASSAM

PIN- 784125.
4:THE SUB-DEPUTY COLLECTOR
MANGALDAI REVENUE CIRCLE
AT MANGALDAI

P.O. AND P.S.- MANGALDAI

DISTRICT- DARRANG
ASSAM

PIN- 784125.
5:THE CIRCLE OFFICER
MANGALDAI REVENUE CIRCLE
AT MANGALDAI

P.O. AND P.S.- MANGALDAI

DISTRICT- DARRANG
ASSAM

PIN- 784125.
6:BABUL BORDOLOI
SON OF LATE SURAT BORDOLOI

LOT MANDAL

RESIDENT OF VILLAGE- TENGABARI

P.O. AND P.S.- MANGALDAI

DISTRICT- DARRANG
ASSAM

PIN- 784125.
7:PRAFULLA BARUAH
SON OF SRI DEHIRAM BARUAH

GAONBURAH (GAON PRADHAN)

VILLAGE- UPAHUPARA

P.O. AND P.S.- MANGALDAI

DISTRICT- DARRANG
ASSAM

PIN- 784125.

Advocate for : MR R S CHAUHAN

Advocate for : SC

REVENUE appearing for THE STATE OF ASSAM AND 6 ORS

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 25-09-2023

Heard Mr. R.S. Chouhan, learned counsel for the writ petitioners in both these writ petitions. Also heard Mr. H. Sarma, learned Addl. Sr. Govt. Advocate, Assam appearing for the State respondents and Ms. G. Hazarika, learned standing counsel, Revenue Department, Assam appearing for the Revenue Department.

The writ petitioners herein claim to be landless persons who have been in continuous occupation of the plots of "sarkari land" in question through their ancestors, since the year 1954. According to the statements made in the writ petitions, the writ petitioners have been cultivating the aforesaid plots of land so as to eke out a living. Since the petitioners are landless persons belonging to the Schedule Caste community, they had also submitted applications before the District Commissioner (erstwhile Deputy Commissioner), Darrang district at Mangaldoi, seeking settlement of the lands under their occupation and the said applications are pending disposal before the concerned authority. Notwithstanding the same, the impugned notice dated 08-06-2023 has been issued by

the Circle Officer, Mangaldoi directing the petitioners to vacate the land. Aggrieved thereby, W.P.(C) No. 3929/2023 has been filed by the petitioners seeking an order of protection from this Court. The same petitioners had also filed W.P.(C) No. 3076/2023 seeking a writ of mandamus directing the respondents to consider their prayer for settlement of land.

By referring to Clause-1.7 and the explanation appended thereto, of the Assam Land Policy of 2019, Mr. Chouhan submits that it is incumbent upon the district administration to settle land with landless persons belonging to Schedule Caste/ Schedule Tribe and Other Backward Class community by giving top priority to their applications. Notwithstanding the same, no action has been taken on the applications submitted by the writ petitioners for settlement of land. On the contrary, an attempt is now being made to evict the petitioners from the land under their occupation by issuing the impugned notice(s) although the notices neither indicate the boundary of the land nor does it mention the purpose for which the reserve land is required by the State Government. Mr. Chouhan, however, does not dispute the fact that the petitioners are in occupation of "sarkari land".

Mr. H. Sarma, learned Addl. Sr. Govt. Advocate, Assam appearing for the State submits on instruction that the land under occupation of the petitioners is admittedly and evidently "sarkari land". The learned Govt. Advocate has, however, submitted in his usual fairness that having regard to the facts and circumstances of the case as well as the Clauses contained in the Assam Land Policy, 2019, the petitioners can be given a hearing by the concerned authorities before any further action is taken in the matter. Similar is the

stand of Ms. G. Hazarika, learned standing counsel, Revenue Department, Assam.

In view of the above, without expressing any opinion on the merits of the claims and counter-claims of the parties, these writ petitions stands disposed of by granting 02 weeks time from today to the writ petitioners to submit individual representation ventilating their grievance in the matter, before the District Magistrate, Darrang at Mangaldoi.

If such representations are submitted within 02 weeks, the same be considered objectively and be disposed of by a speaking order to be passed as expeditiously as possible, but not later than 08 weeks thereafter.

Until such time, the above exercise is carried out and completed, *status quo*, as regards the possession of the petitioners over the plots of land in question be maintained.

With the above observations, both these writ petitions stand disposed of.

JUDGE

GS

Comparing Assistant