

GAHC010166492023



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

**Case No. : WP(C)/4391/2023**

BINDESHARI SAH AND ANR  
S/O- LATE PRAHLAD SAH, R/O- VILLAGE- SURAVI NAGAR GMC TINIALI,  
P.O. BORAGAON AND P.S. GARCHUK, DIST.- KAMRUP (M), (ASSAM), PIN-  
781035

2: SMTI. MUNNI DEVI  
W/O- SRI BINDESHARI SAH  
R/O- VILLAGE- SURAVI NAGAR GMC TINIALI  
P.O. BORAGAON AND P.S. GARCHUK  
DIST.- KAMRUP (M)  
(ASSAM)  
PIN- 78103

VERSUS

THE STATE OF ASSAM AND 5 ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.  
OF ASSAM, LAND AND REVENUE DEPARTMENT, DISPUR, GUWAHATI-  
781006 (ASSAM)

2:THE DEPUTY COMMISSIONER/DISTRICT COMMISSIONER  
LICHUBAGAN  
HENGRABARI  
GUWAHATI  
DIST. KAMRUP (M) (ASSAM)  
PIN- 781036

3:THE ADDL. DEPUTY COMMISSIONER (REVENUE)/THE ADDL. DISTRICT  
COMMISSIONER (REVENUE)  
LICHUBAGAN  
HENGRABARI  
GUWAHATI  
DIST. KAMRUP (M) (ASSAM)  
PIN- 781036

4:THE CIRCLE OFFICER  
GUWAHATI REVENUE CIRCLE  
ULUBARI  
GUWAHATI  
DIST.- KAMRUP (M) (ASSAM)  
PIN- 781007

5:THE DEPUTY COMMISSIONER OF POLICE  
WEST DISTRICT  
GUWAHATI  
DIST.- KAMRUP (M) (ASSAM)  
PIN- 781032

6:THE COMMISSIONER  
GUWAHATI MUNICIPAL CORPORATION  
PANBAZAAR  
GUWAHATI  
DIST.- KAMRUP (M) (ASSAM)  
PIN- 78100

**Advocate for the Petitioner** : MR D C K HAZARIKA

**Advocate for the Respondent** : GA, ASSAM

**BEFORE**  
**HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 04/08/2023**

Heard Ms. J. Bezbaruah, learned counsel for the writ petitioners. Also heard Mr. A. Bhattacharjee, learned Standing Counsel, Revenue and DM Department, Assam, appearing for the respondent no. 1 and Ms. S. Sarma, learned Government Advocate, Assam, appearing for the respondent nos. 2 to 5. Mr. P. Nayak, learned Standing Counsel, GMC, is present on behalf of the respondent no. 6.

The writ petitioners herein, claim to be in occupation of "sarkari land" situated at Paschim Boragaon under Jalukbari Mouza, which is covered by Dag No. 1660. Aggrieved by the eviction notice

dated 05/07/2023 notifying that an eviction drive will be carried out over the said land on 10/07/2023, the instant writ petition has been filed.

Ms. Bezbaruah submits that the petitioners have applied for allotment of land under the Government scheme "Mission Basundhara 2.0" and the said applications are pending consideration by the authorities. Moreover, they are regularly paying tax/Government dues for occupying the land. Under the circumstances, if the petitioners are evicted from the land in question by demolishing their dwelling houses, the same would lead to serious prejudice to her clients. It is also the submission of Ms. Bezbaruah that the District Administration of Kamrup (M) is yet to come up with a scheme for carrying out eviction drive and post eviction rehabilitation as envisaged by clause 15.2 of the State Land Policy, 2019. She submits that in the absence of such scheme, the citizens would be exposed to immense sufferings, if the eviction drive is carried out.

Mr. A. Bhattacharjee, learned Standing Counsel, Revenue and DM Department, Assam, on the other hand, submits that since no eviction has been carried out on 10/07/2023, the impugned eviction notice dated 05/07/2023 has spent its force and, therefore, nothing survives for adjudication in this writ petition. According to the learned departmental counsel, the matter be closed. Similar is the stand of the learned Government Advocate, Assam as well as the learned Standing Counsel, GMC.

It is no doubt correct that no eviction was carried out by the authorities over Government Dag No. 1660 on 10/07/2023 as has been projected in the eviction notice. However, the apprehension generated in the mind of the petitioners of future eviction, due to the eviction notice, cannot be altogether ignored by this Court.

Since the petitioners have applied for allotment of land under "Mission Basundhara 2.0" introduced by the Government, they are entitled to an answer from the authorities as to the fate of their applications.

Therefore, without expressing any opinion on the merit of the claim projected in this writ

petition, this writ petition stands disposed of at the stage of motion hearing by granting two weeks time to the petitioners to submit a representation before the respondent no. 2 ventilating their grievance in the matter.

If such a representation enclosing a certified copy of this order is submitted by the petitioners within the prescribed time period, the same may be looked into and an attempt be made to redress the grievance of the petitioners, in accordance with law.

With the above observation, the writ petition stands disposed of.

**JUDGE**

*sukhamay*

**Comparing Assistant**