

GAHC010107722011



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

Case No. : Cont.Cas(C)/220/2011

BIRESWAR SEAL
S/O LT. BHADRESWAR SEAL
VILL. DEOHATI BHATIPARA
P.O.ABHAYAPURI
DIST BONGAIGOAN
ASSAM

VERSUS

ABDUL RAHIM SHEIKH and ORS
ADDL. DY. COMMISSIONER OF BONGAIGAON
I/C REVENUE MATTERS
BONGAIGOAN
ASSAM

2:INDRA KALITA

S.D.O.C
ABHAYAPURI
DIST BONGAIGAON
ASSAM

3:ABHIJIT SINGHA

ASSTT SETTLEMENT OFFICER
SRIJANGRAM CIRCLE
DIST BONGAIGOAN
ASSAM

For the Petitioner(s) : Mr. M. U. Mahmud, Advocate

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

**BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

Date : 17.08.2023

1. The instant contempt proceedings was initiated for non-compliance to an order dated 25.06.2010 passed in WP(C) No.1300/2009.
2. Mr. M. U. Mahmud, the learned counsel appearing on behalf of the Petitioner submits that the Petitioner had already expired. Be that as it may, it being a contempt proceedings and the contempt is between the Court and the contemnor, this Court deems it proper to peruse the materials on record under which the said contempt proceedings was initiated.
3. It transpires from the records that this Court vide an order dated 25.06.2010 in WP(C) No.1300/2009 disposed of the writ petition thereby directing the Respondent No.3 to make an enquiry about the claim of the Petitioner who was allegedly in possession of the land measuring 2 Bighas 1 Katha 5 Lechas situated at village Deohati under Srijangram Circle in the District of Bongaigaon for the last 60 years. It was further directed that the whole exercise be completed within a period of 3 (three) months from the date of receipt of the certified copy of the order and till the process is completed, the possession of the petitioner in the land in question shall not be disturbed.
4. It further reveals that there were certain communications so issued thereby requesting the Respondent No.3 to the writ petition i.e. the Settlement Officer, Goalpara and Bongaigaon to make an enquiry as regards the claim of the Petitioner. There is also another communication dated 02.06.2011 wherein it

was also alleged that the Deputy Commissioner, Bongaigaon had also not taken steps in pursuance to the order passed by this Court and the Revenue Officials on the other hand raised some concrete pillars on the eastern part by encroaching the land of the Petitioner. As the communication so issued in spite of the order passed by this Court stood unredressed, the Petitioner has approached this Court by filing the contempt proceedings.

5. It reveals from the records that the Respondent No.1 i.e. the Additional Deputy Commissioner, Bongaigaon, In-charge, Revenue Matters has also filed a Show Cause by way of an affidavit. In the said affidavit, it was mentioned that it is incorrect that the Petitioner was in possession of the land 60 years back. In fact, the land is not in possession of the petitioner rather it is in the possession of the Community Health Centre, Abhayapuri. It was further mentioned that the land measuring 32 Bighas 18 Lechas which includes the scheduled land covered by Dag No.360 (old) of Abhayapuri Town was allotted for construction of 100 bedded Hospital vide Resolution No.18 of North Salmara Sub-Divisional Land Advisory Committee held on 19.04.1984 and accordingly, advance possession of the land measuring 32 Bighas 18 Lechas covered by Dag No.360 (old) of Abhayapuri Town was handed over for Abhayapuri Civil Hospital on 16.02.1985 and the matter was intimated to the S.D.O.(C), North Salmara by the Assistant Settlement Officer, Srijangram, Abhayapuri vide letter dated 23.02.1985. It was therefore stated that the fact that the land was handed over for the construction of Abhayapuri Civil Hospital way back in 1985 clearly negates the claim of the Petitioner that he was in possession.

6. It was further mentioned that on receipt of the letter from the Senior Government Advocate, Gauhati High Court whereby there was a direction to the Settlement Officer to make an enquiry, the Deputy Commissioner, Bongaigaon

directed the Additional Deputy Commissioner, Bongaigaon i.e. the deponent of the said affidavit to conduct an enquiry through the Circle Officer, Srijangram Circle in terms with the directions passed by this Court within 3 (three) months and the enquiry report was forwarded to the Senior Government Advocate, Gauhati High Court on 27.04.2011.

7. This Court further takes note of that the other Respondents have also filed their affidavits.

8. Taking into account the stand so taken in the affidavits and that the enquiry was duly made in pursuance to the order being passed by this Court, this Court is of the opinion that nothing survives in the instant contempt proceedings to be adjudicated upon in view of the compliance so made by the concerned Respondents.

9. Accordingly, the contempt case stands closed.

JUDGE

Comparing Assistant