

GAHC010181782022



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

Case No. : WP(C)/5938/2022

AKIYA KHATUN AND 2 ORS.
W/O- LATE KASHEM ALI

2: AMINA KHATUN
D/O- LATE KASHEM ALI

3: ABDUL JOLIL SK
S/O- LATE KASHEM ALI

ALL ARE RESIDENT OF
VILL- NAYERALGA
PART III

P.S- BILASIPARA

DIST- DHUBRI
ASSAM

PIN-78334

VERSUS

THE STATE OF ASSAM AND 10 ORS.
REP. BY THE CHIEF SECRETARY , GOVT OF ASSAM, DISPUR, GHY-06

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT
OF ASSAM
REVENUE AND DISASTER MANAGEMENT DEPTT.
DISPUR
GUWAHATI- 06.

3:THE DEPUTY COMMISSIONER

DHUBRI
ASSAM

4:THE SUB DIVISIONAL OFFICER (CIVIL)
BILASIPARA
DIST.- DHUBRI
ASSAM
PIN- 783348.

5:THE CIRCLE OFFICER

BILASIPARA REVENUE CIRCLE
BILASIPARA
DIST.- DHUBRI
ASSAM
PIN- 783348.

6:TILAK NATH CHAKRABORTY
S/O LATE NRIPENDRA NATH CHAKRABORTY

7:DIBENDRA NATH CHAKRABORTY
S/O LATE AMARENDRA NATH CHAKRABORTY

8:SURJENDRA NATH CHAKRABORTY
S/O LATE AMARENDRA NATH CHAKRABORTY

9:PUERNENDRA NATH CHAKRABORTY
S/O LATE AMARENDRA NATH CHAKRABORTY

10:UTPOLENDUN NATH CHAKRABORTY
S/O LATE AMARENDRA NATH CHAKRABORTY

11:DIPAK CHAKRABORTY
S/O LATE MANINDRA NATH CHAKRABORTY

ALL ARE VILLAGE- HAKAMA
PART IV

P.O- HAKAMA
P.S- BILASIPARA
DIST- DHUBRI
ASSAM
PIN-78334

Advocate for the Petitioner : MR. M U MONDAL

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 21/08/2023

Heard Mr. M.U. Mondal, learned counsel for the writ petitioners. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue and Disaster Management Department, Assam, appearing for the respondent no. 2 and Ms. M. Barman, learned Government Advocate, Assam, appearing for the respondent nos. 1, 3, 4 & 5.

The writ petitioners herein claimed to be the absolute owners in possession in respect of 3(three) different plots of land measuring 4 Bighas – 19 Lechas, 4 Bighas – 19 Lechas and 3 Bighas – 12 Lechas covered by Dag No. 257 of K.P. Patta No. 8 and Dag No. 436 of K.P Patta No. 9 of village – Barshi Part-II under Bilasipara Revenue Circle Office in the district of Dhubri, Assam.

The aforesaid plots of land were sold out by the respondent nos. 6 to 11 and, therefore, according to the petitioners, the aforesaid respondents do not have even a semblance of right, title and interest over the plots of land in question. Notwithstanding the same and despite the fact that the petitioners had submitted application dated 08/08/2022 before the Deputy Commissioner, Dhubri i.e. the respondent no. 3, praying for deleting the name of the private respondent nos. 6 to 11 from the “records of rights” no action has been taken in the matter till today. Hence, this writ petition.

According to Mr. Mondal, as per the provisions of Rule 116 of the Rules framed under the Assam Land and Revenue Regulations, 1886, it is the Deputy Commissioner of the district who has the power to order that the name of a proprietor of the land who are no longer in possession of the Estate, be deleted from the record.

This matter was listed today for issuing direction for taking steps upon the private

respondents. However, the learned departmental counsel submits that since the representation filed by the petitioners is pending disposal before the concerned authority, the writ petition itself can be disposed of by providing that the matter be examined by the respondent no. 3, where-after, appropriate decision be taken in respect thereof, in accordance with law.

In view of the above and having heard the submission of learned counsel for both the sides, this writ petition is being disposed of by providing that the respondent no. 3 may examine the representation dated 08/08/2022 submitted by the petitioners in the light of the provisions of Rule 116 of the Assam Land and Revenue Regulations, 1886 and thereafter, take appropriate decision in the matter, after verification of necessary facts. In doing so, the respondent no. 3 may also give an opportunity of being heard to the respondent nos. 6 to 11.

The exercise as directed above, be completed as expeditiously as possible but not later than 8(eight) weeks from the date of receipt of a certified copy of this order.

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

JUDGE

sukhamay

Comparing Assistant