

GAHC010184722023



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

**Case No. : WP(C)/4804/2023**

INDIRA RONGPHARPI AND 3 ORS.  
DAUGHTER OF LATE NIHANG ROMGPHAR,  
R/O- NEAR IRRIGATION OFFICE,  
P.O.- DIPHU, P.S.- DIPHU,  
DIST.- KARBI ANGLONG, ASSAM,  
PIN- 782460.

2: ROSELYN TAROPI  
D/O- LATE MOINA RONGPHARPI

R/O- BENJAMIN TARO GAON

P.O.- TARABASA  
PS- HOWRAGHAT

PIN- 782482

KARBI ANGLONG  
ASSAM.

3: JIRSONG TARO  
S/O- LATE MOINA RONGPHARPI

R/O- BENJAMIN TARO GAON

PO- TARABASA

P.S.- HOWRAGHAT

PIN- 782482

KARBI ANGLONG  
ASSAM.

4: MIRLYN TAROPI  
D/O- LATE MOINA RONGPHARPI

R/O- BENJAMIN TARO GAON

PO- TARABASA

P.S.- HOWRAGHAT

PIN- 782482

KARBI ANGLONG  
ASSAM

VERSUS

THE STATE OF ASSAM AND 9 ORS.  
REPRESENTED BY THE PRINCIPAL SECRETARY TO THE GOVERNMENT OF  
ASSAM,  
REVENUE AND DISASTER MANAGEMENT DEPARTMENT,  
DISPUR, GUWAHATI- 781006.

2:THE KARBI ANGLONG AUTONOMOUS COUNCIL  
DIPHU  
EAST KARBI ANGLONG DISTRICT- 782460

REPRESENTED BY ITS PRINCIPAL SECRETARY.

3:THE JOINT SECRETARY  
DEPARTMENT OF REVENUE  
KARBI ANGLONG AUTONOMOUS COUNCIL  
DIPHU  
KARBI ANGLONG- 782460.

4:THE DEPUTY SECRETARY  
I/C REVENUE  
KARBI ANGLONG AUTONOMOUS COUNCIL  
DIPHU- 783460.

5:THE ASSISTANT REVENUE OFFICER-CUM-ASSISTANT SETTLEMENT  
OFFICER  
PHULONI REVENUE CIRCLE  
PHULONI  
KARBI ANGLONG- 782441.

6:KANGBURA TIMUNG  
S/O- LT. SUKURAM TIMUNG

R/O- KURNA BEY GAON

P.O.- PHULONI

P.S.- HOWRAGHAT

DIST.- KARBI ANGLONG- 782441.

7:BASA TIMUNGPI

D/O- LT. BORSING TIMUNG

R/O- KURNA BEY GAON

P.O.- PHULONI

P.S.- HOWRAGHAT

DIST.- KARBI ANGLONG- 782441.

8:JIRSONG TIMUNG

S/O- LT. DEURI TIMUNG

R/O- KURNA BEY GAON

P.O.- PHULONI

P.S.- HOWRAGHAT

DIST.- KARBI ANGLONG- 782441.

9:BIREN TIMUNG

S/O- LT. BORPATHAR TIMUNG

R/O- KURNA BEY GAON

P.O.- PHULONI

P.S.- HOWRAGHAT

DIST.- KARBI ANGLONG- 782441.

10:BIMAL TIMUNG

S/O- LT. BORPATHAR TIMUNG

R/O- KURNA BEY GAON

P.O.- PHULONI

P.S.- HOWRAGHAT

DIST.- KARBI ANGLONG- 782441

**Advocate for the Petitioner** : MR. I CHOWDHURY SR ADV

**Advocate for the Respondent** : SC, REVENUE

**BEFORE  
HONOURABLE MR. JUSTICE SUMAN SHYAM**

**ORDER**

**Date : 23-08-2023**

Heard Mr. I. Choudhury, learned Sr. counsel assisted by Mr. S. Biswakarma, learned counsel for the writ petitioners. Also heard Ms. G. Hazarika, learned standing counsel, Revenue & DM Department, Assam appearing for the respondent No. 1 and Mr. J. Chutia, learned standing counsel, KAAC appearing for the respondent Nos. 2 to 5.

The writ petitioners herein claim to be the owners of land measuring 24B-4K-16L covered by Dag Nos. 51/ 296 under PP No. 95 situated at Village 1 No. Tarabasa under Phuloni Mouza of Phuloni Revenue Circle, Phuloni in the Karbi Anglong district. The petitioners had submitted representations/ applications before the revenue authority for demarcation of their private patta land. However, apparently due to a land dispute between the petitioners and the private respondents, no action has been taken on their request of demarcation till today. Hence, this writ petition.

Mr. Choudhury submits that the applications submitted by the petitioners are liable to be considered as per Rule 24 of the Assam Land & Revenue Regulations, 1886 and

therefore, there was no justification for the respondents to sit over the applications submitted by the petitioners. In support of the above arguments, Mr. Choudhury has invited the attention of this Court to the representation dated 13-06-2023 submitted by the petitioners before the Joint Secretary, Department of Revenue, KAAC renewing their prayer for demarcation of land.

Mr. Chutia, learned standing counsel, KAAC, on the other hand, submits that there is a dispute between the petitioners and the private respondents over a part of the land, which is causing delay in the matter. Moreover the petitioners are seeking to gain possession over additional land.

Be that as it may, once the owners of private patta land make an application for demarcation of their land before the competent authority, it would be the duty of such authority to deal with the application and dispose of the same by issuing a reasoned order. The said process has admittedly not yet been completed in the present proceeding.

In view of the above, without expressing any opinion on the merit of the claims and counter-claims, as noted above, this writ petition is hereby disposed of with a direction upon the respondent No. 3 to consider the application for demarcation submitted by the petitioners and on proper verification of records, passed appropriate order(s) therein, as may be permissible under the relevant provisions of Assam Land & Revenue Regulation, 1886.

Needless to say, since the private respondents have not been heard before dispose of this writ petition, the respondent No. 3 shall give opportunity of being heard to the

private respondents before passing any effective order on the application for demarcation made by the petitioners.

The above exercise be carried out and completed as expeditiously as possible, but not later than 03 months from the date of receipt of a certified copy of this order.

Writ petition stands disposed of.

**JUDGE**

GS

**Comparing Assistant**