

GAHC010185732023



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

Case No. : WP(C)/4833/2023

BINOD KUMAR PAUL AND ANR.
S/O- SRI RAJENDRA PAUL,
R/O- GMC HOUSE NO. 2436,
VILLAGE- NO. 1 HENGRABARI,
GUWAHATI- 781036.

2: PROMD CH. BORA @ PRANAB CH. BORAH
S/O- GUNANHIRAM BORAH

R/O VILLAGE NO. 1

HENGRABARI
GUWAHATI- 781036

VERSUS

THE STATE OF ASSAM AND 2 ORS.
TO BE REPRESENTED BY PRINCIPAL SECRETARY TO THE GOVT. OF
ASSAM,
REVENUE AND DM DEPARTMENT,
DISPUR, GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER
KAMRUP(M)
GUWAHATI.

3:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
DISTRICT- KAMRUP(M)
ASSAM

Advocate for the Petitioner : MR. N H MAZARBHUIYAN

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

Date : 23/08/2023

Heard Mr. N. H. Mazarbhuiyan, learned counsel for the writ petitioners.

The petitioners herein, claimed to be the citizens of India and permanent residents of Assam. Aggrieved by the eviction notices, both dated 08/08/2023 (Annexure-7 series), directing the petitioners to vacate the land under their occupation, the petitioners have approached this Court, *inter-alia*, contending that they are admittedly in possession of Government land but the petitioners are land-less persons and they are also entitled to settlement of land under the project "Basundhara". As such, there is no justification in issuing the eviction notices

Mr. Mazarbhuiyan submits that both the petitioners have submitted their applications for settlement of land under project "Basundhara", which is pending consideration before the authorities. During the pendency of their applications, if the petitioners are evicted from the land under their occupation, then not only would the petitioners but also their family members would suffer immense hardship. Under the circumstances, the petitioners have approached this Court seeking an order of protection from this Court.

Ms. G. Hazarika, 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 and 3, have submitted that if the petitioners are encroachers of Government land, they would be liable to be evicted. However, according to the departmental counsel, no action in contravention of the Rules would be taken for eviction of the petitioners.

Since it is not in dispute that both the petitioners have submitted applications for settlement of

land under project "Basundhara", which are pending disposal before the authorities and considering the fact that they have admitted to have been in occupation of Government, this Court is of the opinion that the grievance of the petitioners should be considered by the concerned authority before the eviction notices are given effect to.

In view of the above, without commenting on the rights asserted by the writ petitioners in the writ petition, the present petition stands disposed of by permitting two weeks time to the petitioners to submit appropriate representation before the Deputy Commissioner, Kamrup (Metro) i.e. the respondent no.2, seeking Redressal of their grievance.

If such application is filed individually within two weeks from today by enclosing a certified copy of this order, the same be examined on merit and disposed of by a reasoned order before any further action is taken in terms of the eviction notices dated 08/08/2023.

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

JUDGE

sukhamay

Comparing Assistant