

GAHC010193742020



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

Case No. : WP(C)/209/2021

RINA BEGUM AND 3 ORS

W/O- LT.MAFIJUR RAHMAN, R/O- H.NO. 395, KHARGHULI (PART NO. 2),
AMGAON, P.O. BONDA, P.S. NOONMATI, GHY, DIST.- KAMRUP, ASSAM,
PIN- 781026

2: MD. CHAHIDUL RAHMAN

S/O- LT.MAFIJUR RAHMAN

R/O- H.NO. 395

KHARGHULI (PART NO. 2)

AMGAON

P.O. BONDA

P.S. NOONMATI

GHY

DIST.- KAMRUP

ASSAM

PIN- 781026

3: MD. FAIJUR RAHMAN

S/O- LT.MAFIJUR RAHMAN

R/O- H.NO. 395

KHARGHULI (PART NO. 2)

AMGAON

P.O. BONDA

P.S. NOONMATI

GHY

DIST.- KAMRUP

ASSAM

PIN- 781026

4: MD. SAMINUR RAHMAN

S/O- LT.MAFIJUR RAHMAN

R/O- H.NO. 395

KHARGHULI (PART NO. 2)

AMGAON

P.O. BONDA
P.S. NOONMATI
GHY
DIST.- KAMRUP
ASSAM
PIN- 78102

VERSUS

THE STATE OF ASSAM AND 3 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE
DEPTT., DISPUR, GHY-06

2:THE DY. COMMISSIONER
KAMRUP (M) AT GUWAHATI
P.O. AND P.S. PANBAZAR
ASSAM
PIN- 781001

3:THE CIRCLE OFFICER
DISPUR REVENUE CIRCLE
P.O. BELTOLA
P.S. BASISTHA
DIST.- KAMRUP (M)
ASSAM
PIN- 781028

4:NATIONAL BOARDS LTD.
HAVING ITS REGD. OFFICE AT PANIKHAITI
P.O. PANIKHAITI
P.S. PRAGJYOTISHPUR
GHY
DIST.- KAMRUP(M)
ASSAM
PIN- 78102

For the petitioner (s) : Mr. R. Deka, Advocate

For the respondent (s) : Mr. S. Mitra, Advocate
Mr. J. Handique, Advocate

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
O R D E R

24.11.2023

The instant writ petition has been filed by the petitioners being aggrieved by the inaction on the part of the Deputy Commissioner, Kamrup (M) for not taking any steps in respect to the application filed by the petitioners under Section 23 (i) of the Assam (Temporarily Settled Areas) Tenancy Act, 1971 (for short, 'the Act of 1971') thereby granting the ownership rights to the petitioners in respect to the plot of land measuring 3 Bighas 0 Katha 6 Lechas covered by Dag No.434 (old)/279 (new) included in Patta No.F.S. Grant No.1 of the Revenue Village Panikhaiti under Mouza-Beltola under Beltola Revenue Circle.

2. This Court has duly perused the said application which was filed on 04.03.2020 in Form-5 as per Rule 9 of the Assam (Temporarily Settled Areas) Tenancy Rules, 1972. This Court vide an order dated 05.02.2021 had issued notice. Till date, no instruction has been received in spite of the order dated 18.10.2023. Be that as it may, Mr. J. Handique, the learned counsel appearing on behalf of the Deputy Commissioner, Kamrup (M) submits that as the said application has been submitted in the Central Receipt Section of the Office of the Deputy Commissioner, Kamrup (M), the same application may not have reached the authorities concerned for which no appropriate action could be taken. Mr. J. Handique, the learned counsel submits that the petitioners may be permitted to file a fresh application and the Deputy Commissioner, Kamrup (M) be directed to decide the said application in accordance with the provisions within a

timeframe.

3. This Court having taken note of the fact that the petitioners have filed an application claiming ownership right over the land referred to herein above, but the same having not yet been processed is of the opinion that it would be in the interest of justice that the petitioners be given the liberty to file a fresh application before the Deputy Commissioner, Kamrup (M) claiming ownership rights as per the provisions of the Act of 1971.

4. This Court directs the Deputy Commissioner, Kamrup (M) either by himself or through an Additional Deputy Commissioner to take up the said application if so filed by the petitioners and dispose of the same by giving an opportunity of hearing to the respondent No.4. The said application, if so advised, be preferably dispose of within a period of 6 (six) months from the date of submission of the said application along with a certified copy of this order.

5. With the above observations and directions, the instant writ petition stands disposed of.

JUDGE

Comparing Assistant