

GAHC010195752022



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

Case No. : Review.Pet./180/2022

SALEH AHMED AND 8 ORS .
S/O. JOINAL ABEDIN, VILL. SIBPUR PART-II, P.O. BURUNGATALI BAZAR,
P.S. MURAJAR, DIST. HOJAI, ASSAM, PIN-782445.

2: KAMRUL ISLAM
S/O. LT. HABIB ALI
VILL. PUB DHANIRAM PATHER
P.O./P.S./DIST. HOJAI
ASSAM
PIN-782435.

3: SAHAB UDDIN
S/O. AFTAB UDDIN
VILL. PUB DHANIRAM PATHER
P.O./P.S./DIST. HOJAI
ASSAM
PIN-782435.

4: NURUL ISLAM
S/O. LT. HABIB ALI TALUKDAR
VILL. PUB DHANIRAM PATHER
P.O./P.S./DIST. HOJAI
ASSAM
PIN-782435.

5: JAKARIA ALOM
S/O. SHARAFAT ALI
VILL. DIMRUPAR
P.O./P.S./DIST. HOJAI
ASSAM
PIN-782435.

6: ARJAN ALI
S/O. LT. ABDUL GANII

VILL. DIMRUPAR
P.O./P.S./DIST. HOJAI
ASSAM
PIN-782435.

7: MD. ABDUL SUKKUR
S/O. ABDUL AZIS
VILL. SIBPUR PART-II
P.O./P.S. MURAJAR
DIST. HOJAI
ASSAM
PIN-782435.

8: MD. IDRIS ALI
S/O. RASID ALI
VILL. PABIJURA
P.O./P.S. MURAJAR
DIST. HOJAI
ASSAM
PIN-782435.

9: KAFIL UDDIN
S/O. LT. MOIN UDDIN
VILL. PADUMPUKURI
P.O./P.S. MURAJAR
DIST. HOJAI
ASSAM
PIN-782435

VERSUS

THE STATE OF ASSAM AND 10 ORS
REP. BY THE COMM. AND SECY. TO THE GOVT. OF ASSAM, REVENUE AND
DISASTER MANAGEMENT DEPTT. SETTLEMENT BRANCH, ASSAM
SECRETARIAT, DISPUR, GUWAHATI-06.

2:THE DEPUTY COMMISSIONER
HOJAI
DIST. HOJAI
ASSAM
PIN-782435.

3:THE ADDL. DEPUTY COMMISSIONER (REVENUE)
HOJAI
DIST. HOJAI
ASSAM
PIN-782435.

4:THE CIRCLE OFFICER
HOJAI REVENUE CIRCLE
DIST. HOJAI
ASSAM
PIN-782435.

5:MESSRS (M/S) J.K. (INDUSTRIES)
P.O./P.S./DIST. HOJAI
ASSAM
PIN-782435.

6:MUSSTT. IMRANA AHMED
D/O. MD. ABDUL LAICH AZAD
P.O./P.S./ DIST. HOJAI
ASSAM
PIN-782435.

7:MUSSTT. AJMA @ AMANA BEGUM
D/O. MD. NIZAM UDDIN
P.O./P.S./ DIST. HOJAI
ASSAM
PIN-782435.

8:MUSTT. MONWARA BEGUM CHUDHURY
W/O. MD. SAHAJAHAN
VILL. PACHIM DHANIRAM PATHER/MUSLIMPATTY
P.O. HOJAI BAZAR
DIST. HOJAI
ASSAM
PIN-782435.

9:MD. RASHID AHMED
S/O. ANJAB ALI
VILL. PACHIM DHANIRAM PATHER(RESERVE)
P.O. HOJAI BAZAR
DIST. HOJAI
ASSAM
PIN-782435.

10:MD. ANWAR HUSSAIN
S/O. ABDUL HAQUE
VILL. PACHIM DHANIRAM PATHER/MUSLIMPATTY
P.O. HOJAI BAZAR
DIST. HOJAI
ASSAM
PIN-782435.

11:MD. FAKAR UDDIN

S/O. ASHAB UDDIN
VILL. PACHIM DHANIRAM PATHER/MURAJAR
P.O. HOJAI BAZAR
DIST. HOJAI
ASSAM
PIN-782435

Advocate for the Petitioner : MR. P K ROYCHOUDHURY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI

ORDER

Date : 14-11-2023

Suman Shyam, J

Heard Mr. P.K. Roychoudhury, learned counsel for the review petitioners. Also heard Ms. N. Bordoloi, learned standing counsel, Revenue Department, Assam appearing for the official respondent. None has appeared for the remaining respondents.

By filing this review petition, the petitioners in PIL No. 77/2021 have sought review/ recall of the order dated 15-12-2021 passed by the learned Division Bench disposing of the PIL on the ground that the same was devoid of any merit.

Mr. Roychoudhury has invited the attention of this Court to the Assam Land Policy, 1989, more particularly, Clause 6.1 thereof, to submit that the VGR land cannot be de-reserved nor can it be allotted to any person for trade purposes and to that extent, the allotment made in favour of the respondent No. 5 was illegal. Mr. Roychoudhury has, however, fairly submitted that the order of allotment made in favour of the respondent No. 5 is not under challenge in the PIL.

Ms. Bordoloi, learned standing counsel, Revenue Department, Assam, on the other hand, submits that the department has taken a stand in the affidavit filed in this case that the process adopted for settlement of land in favour of the respondent No. 5 was strictly in accordance with the provisions of law and upon releasing the full premium. Therefore, there is no scope for interfering with the order of settlement.

Be that as it may, after hearing the submissions advanced at the bar, this Court is of the opinion that there is no error apparent on the face of the record nor is there any other sufficient ground for this Court to review the order dated 15-12-2021 passed by this Court. The review petition is, therefore, not entertained.

If the petitioners are aggrieved by the order of settlement made in favour of the respondent No. 5 the same would give rise to a separate cause of action, which can be agitated in an appropriate proceeding. Therefore, by granting liberty to the petitioners to pursue appropriate legal remedy, as may be permissible under the law and without prejudice to their rights and contention in the matter, this review petition stands disposed of.

JUDGE

JUDGE

GS

Comparing Assistant