

GAHC010211432023



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

Case No. : WP(C)/5520/2023

SUSHILA DEVI
WIFE OF SANKAR SINGH, RESIDENT OF ULUBARI, B.K. KAKOTI ROAD,
P.S. PALTAN BAZER, GUWAHATI- 07, DIST.- KAMRUP (M), ASSAM

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED HEREIN BY THE COMMISSIONER AND SECRETARY TO
THE GOVT. OF ASSAM, DEPARTMENT OF REVENUE, ADDRESS- DISPUR,
GUWAHATI-06, DIST.- KAMRUP (M), ASSAM

2:THE DISTRICT COMMISSIONER
(GOVT. OF ASSAM)
ADDRESS- OFFICE OF THE DISTRICT COMMISSIONER
LICHUBAGAN
HENGRABARI
KAMRUP (M)
GUWAHATI-36
ASSAM

3:THE CIRCLE OFFICER
ADDRESS- OFFICE OF THE CIRCLE OFFICER
GUWAHATI REVENUE CIRCLE
ULUBARI
GUWAHATI-07
DIST.- KAMRUP (M)
ASSAM

4:THE MANAGING DIRECTOR (APDCL)
ADDRESS- OFFICE OF THE ASSAM POWER AND DISTRIBUTION
COMPANY LIMITED
BIJULI BHAVAN

PALTAN BAZAR
GUWAHATI-01
DIST.- KAMRUP (M)
ASSAM

5:GUWAHATI MUNICIPAL CORPORATION
REPRESENTED HEREIN BY ITS COMMISSIONER
ADDRESS- OFFICE OF THE GUWAHATI MUNICIPAL CORPORATION
3RD FLOOR
STATFED BUILDING
GMC HOSPITAL ROAD
BHANGAGARH
GUWAHATI-05
DIST.- KAMRUP (M)
ASSAM

Advocate for the Petitioner : MR. S CHAMARIA

Advocate for the Respondent : SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SUMAN SHYAM

ORDER

29.09.2023

Heard Mr. S. Chamaria, learned counsel appearing for the writ petitioner. Also heard Ms. G. Hazarika, learned Standing Counsel, Revenue Department, Assam appearing for the respondent No.1, Ms. S. Sarma, learned Govt. Advocate, Assam appearing for the respondent Nos.2 and 3 and Mr. B. Choudhury, learned Standing Counsel, APDCL, appearing for the respondent No.4. Mr. S. Bora, learned Standing Counsel, GMC is present on behalf of respondent No.5.

The petitioner herein claims to be a landless lady. She is in occupation of a plot of land measuring 1 Katha 10 Lecha situated in Ulubari under Ulubari Mouza in

the District of Kamrup (M), covered by Dag No.112. According to the projection made in the writ petition, the petitioner has been in possession of the land since the year 1985. The land in question is an annual patta land and therefore, in terms of "Mission Basundhara Scheme" the petitioner had also submitted an application on 21.12.2022 for conversion of the land into myadi patta land in her name. The said application is pending consideration by the authorities.

Notwithstanding the same, the respondents are seeking to evict the petitioner from the land under her possession and accordingly has issued eviction notice dated 04.08.2023. Aggrieved thereby, the instant writ petition has been filed.

I have perused the averments made in the writ petition. Since the petitioner is admittedly in occupation of annual patta land, she cannot claim any title over the land unless allotment of the land is made in her favour by the State.

However, it is not in dispute that under the "Mission Basundhara Scheme" allotment of land is being made by the State as per the notified policy and it appears that the petitioner has also submitted an application for allotment of the land. Under the circumstances, if the petitioner is evicted from the land even before considering her application, then the same would undoubtedly cause serious injury to the interest of the petitioner.

As such, without expressing any opinion on the merit of the claim made by the petitioner for allotment of land, this writ petition is being disposed of with a direction upon the respondent Nos.2 and 3 to communicate to the petitioner in writing, as to the fate of her application submitted for allotment of land under "Mission Basundhara Scheme" on 21.12.2022. Until such time the written communication is received by the petitioner, she shall not be evicted from the land in her occupation.

With the above observation this writ petition stands disposed of.

JUDGE

Comparing Assistant