

GAHC010226042022



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

Case No. : WP(C)/7277/2022

HARERAM HARIJAN
S/O. LT. INARU HARIJAN, VILL. WATIZUR-1, P.O. WATIZUR, P.S. KHERONI,
MOUZA- HAWAIPUR, DIST. WEST KARBI ANGLONG, ASSAM, PIN-782446.

VERSUS

THE STATE OF ASSAM AND 7 ORS
REP. BY THE COMMISSIONER AND SECY. TO THE GOVT. OF ASSAM, LAND
AND REVENUE DEPTT., DISPUR, GUWAHATI, ASSAM, PIN-781006.

2:KARBI ANGLONG AUTONOMOUS COUNCIL

REP. BY THE PRINCIPAL SECRETARY
DIPHU
ASSAM
PIN-782460.

3:THE SECRETARY

REVENUE DEPTT.
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM
PIN-782460.

4:THE DEPUTY SECRETARY

I/C. REVENUE DEPTT.
KARBI ANGLONG AUTONOMOUS COUNCIL
DIPHU
ASSAM
PIN-782460.

5:THE DEPUTY COMMISSIONER

KARBI ANGLONG
DIPHU
ASSAM
PIN-782462.

6:THE SUPDT. OF POLICE

KARBI ANGLONG
DIPHU
ASSAM
PIN-782462.

7:THE SETTLEMENT OFFICER

DONKA REVENUE CIRCLE
DONKAMUKAM
WEST KARBI ANGLONG
ASSAM
PIN-782485.

8:THE ASSTT. SETTLEMENT OFFICER

DONKA REVENUE CIRCLE
DONKAMUKAM
WEST KARBI ANGLONG
ASSAM
PIN-782485

Advocate for the Petitioner : MR D C K HAZARIKA

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 09-03-2023

Heard Ms. J. Bezbaruah, learned counsel for the petitioner; Mr. A. Bhattacharyaa, learned Standing Counsel, Revenue Department for the

respondent no. 1; Mr. J. Chutia, learned Standing Counsel, Karbi Anglong Autonomous Council [KAAC] for the respondent nos. 2, 3, 4, 7 & 8; and Ms. M. Barman, learned Junior Government Advocate, Assam for the respondent nos. 5 & 6.

2. The case projected by the petitioner, in brief, is that a parcel of land, categorized as **Bari**, measuring 2 Bighas, 1 Katha and 0 Lessas [02B-01K-0L], covered by Dag nos. 74, 107, 109 & 113, located in Revenue Village – Watizur, Mouza – Hawaipur, District – Karbi Anglong [‘the subject-plot’, for short] was in exclusive occupation of his father viz. Inaru Harijan since 1965. The family of Inaru Harijan continued to reside in the subject-plot by constructing dwelling houses as well as by cultivating sugarcane, etc. Inaru Harijan expired in August, 2011 and after his death, the petitioner and his other family members have been peacefully enjoying the subject-plot earning meagre sum annually through agricultural products produced in the subject-plot for their sustenance. The petitioner has claimed that he and his family belong to the Scheduled Caste with no property in their own name, other than the subject-plot where they are residing since 1965. The petitioner stated to have submitted an application for issuance of Annual Kaccha Patta in connection with the subject-plot before the respondent no. 7 and the respondent no. 8 with all the necessary particulars. The respondent no. 7 and the respondent no. 8 had accordingly prepared a proposal in V-Form dated 07.04.2022 and forwarded the same for consideration before the respondent no. 4. When despite repeated approaches made by the petitioner, the respondent authorities in the Karbi Anglong Autonomous Council [KAAC] did not take any discernible action for consideration of the V-Form proposal, the petitioner has projected that he is compelled to approach this Court by instituting the writ petition under Article 226 of the Constitution of

India seeking **inter alia** a direction to the respondent authorities, more particularly, the respondent no. 2 – respondent no. 4 to consider the V-Form proposal dated 07.04.2022 for grant of Annual Kaccha Patta in favour of the petitioner in respect of the subject-plot.

3. Mr. Chutia, learned Standing Counsel, KAAC has submitted that the matter of grant of Annual Kaccha Patta, etc. is to be considered first at the end of Land Settlement and Advisory Board of the KAAC. He has submitted that a new board has been constituted recently vide a Notification bearing no. KAAC/1D-34/Pt-I/2019/69-A dated 08.02.2023. Since the proposal of the petitioner is stated to be pending, he has submitted that the writ petition may be disposed of, at this stage, with a direction to the respondent no. 4 to place the V-Form proposal prepared by the respondent no. 7 and the respondent no. 8 for consideration by the Land Settlement and Advisory Board, so as to enable the Land Settlement and Advisory Board, KAAC to examine, consider and dispose of the same in accordance with law.

4. Ms. Bezbaruah, learned counsel for the petitioner has submitted that the V-Form proposal of the petitioner needs an expeditious consideration.

5. Having regard to the submissions advanced by the learned counsel for the parties and the broad consensus arrived at by them as about consideration of V-Form proposal dated 07.04.2022, this Court is of the considered view that instead of keeping this writ petition pending at this stage, the same can be disposed of with a direction to the respondent no. 4 to place the V-Form proposal dated 07.04.2022, already prepared by the respondent no. 7 and the respondent no. 8, before the Land Settlement and Advisory Board, KAAC in its next meeting so as to enable the Land Settlement and Advisory Board, KAAC to

consider and dispose of the same strictly in accordance with law. It is accordingly directed. It is further observed that after placement of the V-Form proposal by the respondent no. 4 in the next meeting of the Land Settlement and Advisory Board, KAAC, the Land Settlement and Advisory Board, KAAC shall consider and examine the V-Form proposal dated 07.04.2022 in respect of the petitioner for the subject-plot strictly in accordance with law and as per the extant procedure laid down for consideration of such proposal. It is further observed that the entire procedure shall be completed as expeditiously as possible, preferably within a period of 6 [six] months from the date of receipt of a certified copy of this order at the office of the respondent no. 4 from the petitioner. It is also made clear that the writ petition is disposed of without adverting to the merits of the claim of the petitioner as regards his entitlement of Annual Kaccha Patta for the subject-plot and the respondent authorities shall consider the same strictly in accordance with law and as per the extant procedure laid down for consideration of such proposal. The decision taken on the proposal shall be communicated to the petitioner forthwith thereafter.

6. This order disposes of the writ petition. No cost.

JUDGE

Comparing Assistant