

GAHC010233652022



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

Case No. : WP(C)/7469/2022

KHUS MAMUD AND 10 ORS
S/O HASEM ALI, R/O NO. 3, GOLANDIKASH, P.O.-GOLANDI, P.S.-
KHARUPETIA, CIRCLE- DOLGAON, DIST- DARRANG, ASSAM, PIN-784116

2: SAHAJAMAL
S/O LT. SOBU MANDAL
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-784116

3: ABDUL QASIM
S/O LT. AGOR ALI
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-784116

4: HASEN ALI
S/O LT. FAKARUDDIN
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG

ASSAM
PIN-784116

5: JAINAL ABDIN
S/O LT. HAZOR SHEIKH
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-784116

6: ABDUL JALIL
S/O LT. SADEK ALI
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-784116

7: ABDUS SAMAD
S/O LT. KASHEM ALI
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-784116

8: AKBAR ALI
S/O LT. SADEK ALI
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-784116

9: SAHAMAT ALI

S/O LT. SUKKUR MAHMUD
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-784116

10: BAHARUL ISLAM
S/O LT. JAINAL ABDIN
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-784116

11: BAHARUL ISLAM
S/O ABDUL KADER
R/O NO. 3
GOLANDIKASH
P.O.-GOLANDI
P.S.-KHARUPETIA
CIRCLE- DOLGAON
DIST- DARRANG
ASSAM
PIN-78411

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE SECRETARY, GOVT. OF ASSAM, REVENUE
DEPARTMENT, DISPUR, GHY-6, ASSAM, PIN-781006

2: THE DEPUTY COMMISSIONER
DARRANG
MANGALDAI
ASSAM
PIN-784125

3: THE SETTLEMENT OFFICER
DARRANG
MANGALDAI
ASSAM

PIN-784125

4:THE CIRCLE OFFICER
DALGAON REVENUE CIRCLE
P.S.-DALGAON
DIST-DARRANG
ASSAM
PIN-784116

5:INSPECTOR OF SCHOOLS
DARRANG DISTRICT CIRCLE
MANGALDAI
ASSAM
PIN-784125

6:THE PRINCIPAL
KUARIPUKHURI HIGH SCHOOL
P.O.-JANGALPARA
P.S.-KHARUPETIA
DIST- DARRANG
ASSAM
PIN-784115 (FORMERLY KNOWN AS KUARIPUKHURI SENIOR MADRASSA)

7:ABDUL HASHEM
S/O ABDUL BARI
NO. 3
GOLANDIKASH
P.S.-KHARUPETIA
DIST- DARRANG
ASSAM
PIN-78411

Advocate for the Petitioner : MR. M U MAHMUD

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE NANI TAGIA**

ORDER

Date : 23.06.2023

Heard Mr. S. Islam, learned counsel for the petitioners. Also heard Mr. S. Baruah, learned Government Advocate, appearing on behalf of the official respondents.

This writ petition has been filed by the petitioners, seeking a direction to the respondent authorities to allot a plot of land measuring 6 bighas 1 katha and 9 lessas located at village No. 3 Golandikash, under Dalgaon Revenue Circle, Darrang, covered by Dag No. 44, to them, considering their long possession and also they being the landless persons. The petitioners have further prayed to declare illegal, null and void, the Show Cause Notices issued to them by the respondent No. 6 asking them to vacate from the land, in question.

Insofar as the first prayer of the petitioners in this writ petition is concerned; if they are entitled to be allotted the land mentioned hereinabove, they may approach the competent authority for allotment of the aforesaid land.

Insofar as the second prayer of the petitioners in the instant writ petition is concerned; Mr. A. U. Ahmed, learned counsel, representing the respondent No. 6; has produced a copy of the letter, dated 08.12.2022, written to the Senior Standing counsel, Secondary Education Department, Gauhati High Court, by Mrs. Monika Borgohain, ACS, in-charge, Inspector of Schools, DDC, Mangaldai, vide Memo. No. WP(c)7469/2022/9678; in connection with the instant writ petition, whereby, it has been recorded that the land mentioned by the petitioners herein, belongs to Kuari-pukhuri High School.

Accordingly, the second prayer made by the petitioners in this petition, appears to be a civil dispute between the parties.

In view of the above; this writ petition is hereby disposed of with liberty granted to the petitioners to approach the competent authority for allotment of land under their occupation and also to approach the appropriate forum for resolving the land dispute between them and the respondents No. 6 & 7, if so advised.

The copy of the letter, dated 08.12.2022, written to the Senior Standing counsel, Secondary Education Department, Gauhati High Court, by Mrs. Monika Borgohain, ACS, in-charge, Inspector of Schools, DDC, Mangaldai, vide Memo. No. WP(c)7469/2022/9678; shall be retained on record and marked as 'X' for identification.

JUDGE

Comparing Assistant