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

Case No. : WP(C)/158/2022

M/S SSK EXPORTS LIMITED
A COMPANY DULY REGISTERED UNDER THE PROVISIONS OF THE
COMPANIES ACT, 1956 HAVING ITS REGISTERED OFFICE AT 37,
SHAKESPEARE SARANI, KOLKATA 700017, BEING REPRESENTED BY ONE
OF ITS DIRECTOR SRI ASHOK TRIVEDI

VERSUS

THE STATE OF ASSAM AND 4 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE AND DISASTER MANAGEMENT DEPARTMENT,
DISPUR GUWAHATI 781019, ASSAM

2:THE SECRETARY TO THE GOVT. OF ASSAM

REVENUE (L.R) DM DEPARTMENT
DISPUR GUWAHATI 781006.ASSAM

3:THE DEPUTY COMMISSIONER

JORHAT
ASSAM

4:THE ADDITIONAL DEPUTY COMMISSIONER

JORHAT
ASSAM

5:THE CIRCLE OFFICER

TEOK REVENUE CIRCLE
TEOK

JORHAT
ASSA

Advocate for the Petitioner : MR G N SAHEWALLA, MS. S. TODI, MR M SAHEWALLA, MR. A CHETIA

Advocate for the Respondent : GA, ASSAM, SC, REVENUE

BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA

ORDER

20.11.2024

Heard Mr. G.N. Sahewalla, learned Senior Counsel assisted by Mr. A.K. Sahewalla, learned counsel for the petitioner. Also heard Mr. H.K. Sarma, learned Additional Senior Government Advocate, Assam for the respondent nos. 3 to 5 and Ms. G. Hazarika, learned Standing Counsel, for the respondent nos. 1 & 2.

2. This writ petition is filed by the petitioner Company, namely, SSK Exports Limited aggrieved that the land holding belonging to Boisahabi Tea Estate has not been transferred/corrected in the name of the present petitioner's company notwithstanding the order of the Hon'ble Calcutta High Court dated 22.09.2000 passed in Company Petition no.333/1999 connected with Company Application no. 333/19999. Pursuant to this order dated 22.09.2000, Sheoparshad Surendra Kumar Limited, which was the owner of the Boisahabi Tea Estate, stood merged

with the present petitioner company. In terms of the said order of amalgamation dated 22.09.2000 passed in Company Petition no.333/1999 connected with Company Application no. 333/19999 by the Hon'ble Calcutta High Court, all the land holdings and properties stood transferred in the name of the petitioner's company. The petitioner thereafter filed an application dated 05.02.2020 before the Additional Deputy Commissioner (R), Jorhat in respect of Boisahabi Tea Estate for transfer of the land holding in the name of the present petitioner's company. However, for reasons best known to the respondents, the said application is still pending. No order thereon has been passed by the Additional Deputy Commissioner (R), Jorhat. Being aggrieved, the present writ petition has been filed.

3. The respondents are represented by their respective counsel who submits that proper instructions would be necessary as the application stated to be filed before the Additional Deputy Commissioner was on 05.02.2020. Accordingly, they pray for further time to complete their instructions.

4. Learned Senior Counsel for the petitioner submits that by filing the writ petition the petitioner is seeking only a direction to the respondent nos. 3 & 4 to consider the application dated 05.02.2020.

5. Considering the limited prayer of the writ petitioner and also taking into

consideration that the application was filed on 05.02.2020, this Court is of the view that the writ petition can be disposed of with a direction to the concerned respondent Authorities, more particularly, the Additional Deputy Commissioner (R), Jorhat, namely, the respondent no.4 to consider and dispose of the application dated 05.02.2020 and pass appropriate order thereon. Any records felt necessary to be considered while disposing of the application can be called for /requisitioned by the authority before passing any order. This entire exercise shall be completed within a period of 90 (ninety) days from the date of receipt of a certified copy of this order along with a copy of this writ petition from the petitioner. It is made clear that during the pendency of the writ petition, if any order is passed or that may have been passed, a copy of the same shall be served on the petitioner.

6. With the above observations, the writ petition stands disposed of.

7. Interim order, if any, stands merged.

JUDGE

Comparing Assistant