

GAHC010007362024



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

Case No. : WP(C)/186/2024

RANJU MALLIK AND 7 ORS
D/O- LATE GIRINDRA MALLIK

2: MANIK MALLIK
S/O- LATE GIRINDRA MALLIK

3: BISAKA DAS (MALLIK)
D/O- LATE GIRINDRA MALLIK

4: MANJU RANI RAI (MALLIK)
D/O- LATE GIRINDRA MALLIK

5: ANITA MANDAL (MALLIK)
D/O- LATE GIRINDRA MALLIK

6: RIMI MALLIK DAS
D/O-LATE GIRINDRA MALLIK

7: SIMA MALLIK (DAS)
D/O- LATE GIRINDRA MALLIK

8: MAMATA MALLIK DAS
D/O- LATE GIRINDRA MALLIK

ALL ARE ESIDENTS OF VILLAGE - BENGENABARI (HELAGOG)
P.O AND P.S- KHETRI
DIST- KAMRUP (M)
ASSA

VERSUS

THE STATE OF ASSAM AND 5 ORS
REP. BY THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM, DEPARTMENT OF LAND AND REVENUE,

ASSAM
DISPUR, GUWAHATI,
ASSAM, PIN-781006

2:THE DEPUTY COMMISSIONER
KAMRUP (M)
GUWAHATI
PIN-781001

3:THE COMMISSIONER OF POLICE
KAMRUP (M)
GUWAHATI
DIST- KAMRUP
ASSAM

4:THE SUPERINTENDENT OF POLICE
KAMRUP (M)
GUWAHATI
DIST- KAMRUP
ASSAM

5:THE OFFICER IN CHARGE
KHETRI POLICE STATION
DIST- KAMRUP
ASSAM

6:KARUNA PHUKAN
S/O- RAMESH PHUKAN
VILLAGE CHATAIPATHAR
P.O AND P.S- KHETRI
DIST- KAMRUP (M)
ASSA

Advocate for the Petitioner : MR. D BHUYAN

Advocate for the Respondent : GA, ASSAM

**BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH**

ORDER

12.01.2024.

The instant Writ Petition is taken up for disposal at the motion stage itself.

(2) From perusal of the instant Writ Petition, it reveals that there is a private dispute pending in respect to the land in question between the petitioners and the respondent No.6. It is also seen from the records that a suit has also been filed being Title Suit No.103/2022, before the Court of the Munsiff, Kamrup (Metro) at Guwahati and presently pending before the Court of the Munsiff No.2, Kamrup (M) at Guwahati. It is also seen that there is a status quo order being passed by the said Court on 03.03.2022.

(3) The record further reveals that allegations have been made that the respondent No.6 is trying to dispossess the petitioners from the land under their possession by unlawful means for which an FIR has been filed and there has been no action taken by the Officer-in-Charge of the Khetri Police Station. It has also been alleged that the Commissioner of Police, Kamrup (Metro) has also been intimated by the communication dated 02.01.2024, to the affect that the respondent No.6 has been taking steps to evict the petitioners and in that regard, the police personnel from the Khetri Police Station are pressurizing the petitioners and threatening to dispossess the petitioners from the plot of land.

(4) This Court, taking into account that there is a dispute pending before the competent Civil Court as regards the land in question, would not like to comment as regards the rights of the petitioners vis-à-vis the respondent No.6 over the land in question. However, it is relevant to take note of that when there is a private dispute between the parties and the matter is pending before the competent Civil Court, the police officials should stay their hands away from such dispute till the competent Civil Court duly decides the same or passes appropriate orders in this regard.

(5) In that view of the matter, this Court directs the Officer-in-Charge of the Khetri Police Station to ensure that no interference is caused by the police personnel of Khetri Police Station to the private dispute between the petitioners as well as the respondent No.6, which is presently pending before the competent Civil Court, till appropriate directions or orders are passed by the said Court or any other Court, in that regard.

(6) With the above, the instant Writ Petition stands disposed.

JUDGE

Comparing Assistant