

GAHC010008842024



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

Case No. : WP(C)/187/2024

DENISH KUKURACHOWA
LESSEE RAJABARIE TEA ESTATE S/O LT. RAMPRASAD KUKURACHOWA
R/O VILL. BOKOTA KOHAR GAON PATSAKU DIST. SIVASAGAR ASSAM
785673

VERSUS

THE STATE OF ASSAM AND 3 ORS.
REP BY THE PRINCIPAL SECRETARY INDUSTRIES AND COMMERCE DEPTT
DISPUR 781006

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT OF ASSAM REVENUE AND DISASTER MANGEMENT DEPTT
DISPUR 781006

3:ASSAM TEA CORPORATION LTD
REP BY THE MANAGING DIRECTOR A GOVT OF ASSAM UNDERTAKING
HOUSEFED COMPLEX C BLOCK 7 TH FLOOR DISPUR GUWAHAI ASSAM
781006

4:THE DISTRICT COMMISSIONER
SIVASAGAR
ASSAM 78569

Advocate for the Petitioner : MS. S G BARUAH

Advocate for the Respondent : GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE MICHAEL ZOTHANKHUMA**

ORDER

05.02.2024

1. Heard Ms. S.G. Baruah, learned counsel for the petitioner. Also heard Mr. A. Kalita, learned counsel for the respondent No. 1, Ms. G. Hazarika, learned counsel for the respondent No. 2 and Mr. M. Chetia, learned counsel for the respondent No. 4. No one appears for the respondent No.3, i.e., the Assam Tea Corporation Ltd.

2. The petitioner's case, in brief, is that pursuant to a Request for Proposal floated by the Assam Tea Corporation Ltd. (respondent No.3), the petitioner took part in the selection process for taking on a 30 year lease the Rajabarie Tea Estate, the area allegedly comprising of 2789 Bighas, 2 Kathas and 15 Lechas of land. However, the petitioner was given actual physical possession of only 759 Bighas, 2 Kathas and 10 Lechas of land. Further, there has been encroachment on the land which has been given to the petitioner by the ATCL.

3. The grievance of the petitioner is that after taking over physical possession of the tea estate, the petitioner could not get access to all the lands that were to be leased. In view of the same causing immense difficulties and hardship to the petitioner, the petitioner submitted various representations to the authorities. However, the respondent No. 3 has not considered the petitioner's representations till date.

4. The petitioner's counsel further submits that though the land has been given on lease for 30 years, actual possession of 2789 Bighas, 2 Kathas and 15 Lechas of land has not been given. The petitioner has further come to know that the land has not been mutated in the name of the ATCL till date. Further, the mutation process is still ongoing, which has not been completed in favour of the ATCL.

5. The counsels for the respondents, on the other hand, submit that as the petitioner has been given a show cause notice by the ATCL, the petitioner may submit his reply to the said show cause notice.

6. I have heard the learned counsels for the parties.

8. The prayer of the writ petitioner is for a direction to be issued to the Assam Tea Corporation Ltd., to consider the representations which the petitioner has submitted time and again. As the show cause notice dated 01.02.2024 has allegedly been given to the petitioner on 01.02.2024 by e-mail, this Court is of the view that the writ petition can be disposed of by giving liberty to the petitioner to submit his reply to the show cause notice, wherein the petitioner can incorporate all the issues and points raised by the petitioner in the petitioner's earlier representations. Accordingly, the petitioner is given liberty to submit a reply to the show cause notice dated 01.02.2024 on or before 12.02.2024, addressed to the Managing Director, Assam Tea Corporation Ltd.

9. Till a decision is taken by the respondent No.3 to the reply made by the petitioner to the show cause notice, no coercive action should be taken against the petitioner pursuant to the show cause notice. The above is, however, subject to the condition that the petitioner submits the reply to the show cause notice on or before 12.02.2024 along with a copy of this order.

10. The writ petition is accordingly disposed off.

JUDGE

Comparing Assistant