

GAHC010014012017



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

Case No. : WP(C)/1132/2017

ABDUL KADIR
S/O HAJI ABDUL MATLIB R/O PADAMPUKHURI, KAPASBARI MOUZA
JOGIJAN HOJAI P.S- MURAHJHAR DIST- NAGAON, ASSAM

VERSUS

THE STATE OF ASSAM and 2 ORS.
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM

2:THE DEPUTY COMMISSIONER
NAGAON
DIST- NAGAON
ASSAM

3:THE SUB DIVISIONAL OFFICER CIVIL
HOJAI
SHANKARDEV NAGAR
NAGAON
ASSA

Advocate for the Petitioner : MR.N G KUNDU, MRG DEKA,MR.P K R CHOUDHURY

Advocate for the Respondent : , GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE KAUSHIK GOSWAMI**

ORDER

22.10.2024

Heard Mr. P.K.R. Choudhury, learned counsel for the petitioner. Also heard Mr. N. Goswami, learned Government Advocate for the State respondents.

By way of this petition under Article 226 of the Constitution of India, the petitioner is seeking direction for considering the case of the petitioner and/or directing the respondent authorities to settle the land measuring 2 (two) Bighas covered by Dag No. 249 situated in the corner of the Padum Pukhuri Kissamat under Mouza Kapasbari in the District of Nagaon, Assam in favour of the petitioner.

The case of the petitioner is that the petitioner alongwith his family were occupying the agricultural land measuring 2 (two) Bighas situated at Dag No. 249. Accordingly, the petitioner approached the appropriate authority for settlement of the said land in their favour as because the said grazing land was de-reserved. Though, in respect of similarly situated families who were also landless, upon applying for settlement of land, settlement was done in favour of them, however, the petitioner's name was left out and accordingly, the instant petition has been filed.

Mr. P.K.R. Choudhury, learned counsel for the petitioner submits that the case of the petitioner is squarely covered by the judgment of the Division Bench of this Court in the case of *MD. Salak Uddin Vs. The State of Assam & 2 Ors. in WP(C) No. 1057/2022*. He accordingly submits that the instant petition can be

disposed of with a direction to consider the case of the petitioner in line of the aforesaid judgment of the Division Bench of this Court.

Per contra, Mr. N. Goswami, learned Government Advocate for the State respondents submits that the land possessed by the petitioner is VGR land and that he has not applied for any allotment.

Be that as it may, this Court deems appropriate in the interest of justice to dispose of this petition by directing that in the event the petitioner files an application for settlement of the subject land, the authorities shall consider the same in accordance with law by keeping in mind the ratio of the decision of the Division Bench in WP(C) No. 1057/2022.

It is needless to clarify that the above exercise shall be concluded within a period of 2 (two) months from the date of receipt of the application alongwith a certified copy of this Court's order.

It is further clarified that in the event the petitioner files the application within a period of 14 (fourteen) days from today, the interim order passed on 19.04.2017 shall continue till disposal of the said application, failing which, on the 15th (fifteen) day, the interim order shall stand vacated.

JUDGE

Comparing Assistant