

GAHC010019562017



2024:GAU-AS:11908

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

Case No. : WP(C)/2216/2017

BHABA DOLLEY and 11 ORS.
S/O. LT. BHANURAM DOLLEY

2: BISHNU MUSHAHARI

S/O. LT. DABAN MUSHAHARI

3: PONARAM PHUKAN

S/O. LT. RABAN CH. PHUKAN

4: SAKUNTALA SUTRADHAR ON DEATH OF LT. GIREN SUTRADHAR.

5: KHAHULI KALITA

W/O. LT. KANLORA KALITA.

6: MONORANJAN GOGOI

S/O. SRI. MONESWAR GOGOI

7: INDRESWAR DEKA

S/O. LT. PHULAN DEKA

8: TAPAN BASUMATARY
ON THE DEATH OF HIS FATHER LATE KAMAL BASUMATARY.

9: BHABANI BHARALI

S/O. LT. GIRISH BHARALI

10: ANIL BARMAN

S/O. SOLI BARMAN

11: PADMESWARI KHANIKAR

W/O. LT. RAMESH KHANIKAR

12: JOGDISH SARGIYARI
ON DEATH OF HIS FATHER LT PORMEN SARGIYARI
ALL ARE RESIDENTS OF VILL. CHAUDHOWA
P.O. GOGAMUKH
MOUZA BORDOLONI
DIST. DHEMAJI
ASSAM

VERSUS

THE STATE OF ASSAM and 3 ORS.
REPRESENTED BY THE COMMISSIONER and SECRETARY, REVENUE
SETTLEMENT DEPTT., GOVT. OF ASSAM, DISPUR, GUWAHATI-6

2:THE LAND ADVISORY BOARD

REP. BY ITS CHAIRMAN/ PRESIDENT
DHEMAJI DISTRICT
ASSAM.

3:THE DEPUTY/ ADDL. COMMISSIONER

DHEMAJI DISTRICT
ASSAM.

4:THE CIRCLE OFFICER

SUBANSIRI REVENUE CIRCLE
GHILAMARA
DIST. DHEMAJI
ASSAM

For the petitioner (s) : Mr. R. Ali, Advocate

For the respondent (s) : Mr. H. Sarma, Addl. Sr. Govt. Advocate
Mr. A. Bhattacharjee, SC, Revenue

BEFORE
HON'BLE MR. JUSTICE DEVASHIS BARUAH
ORDER

26.11.2024

Heard Mr. R. Ali, the learned counsel appearing on behalf of the petitioners. Mr. H. Sarma, the learned counsel appears on behalf of the District Administration and Mr. A. Bhattacharjee, the learned counsel appears on behalf of the Revenue Department of the Government of Assam.

2. It is seen from a perusal of the judgment and order dated 18.06.2009 passed in WP(C) No.4354/2002 that the Coordinate Bench of this Court had observed that as the petitioners are indigenous landless flood affected people and in terms with the land policy adopted by the State Government in 1989, the petitioners deserve consideration for settlement of appropriate land in their favour. The Coordinate Bench of this Court further directed the State Government to make alternative arrangement so that the petitioners can be settled in any other Government land as indicated in the order dated 05.06.2002. It was further observed that till such arrangement is made, the status-quo order passed by this Court on 12.07.2002 would continue.

Paragraph No.6 of the said judgment and order is reproduced hereunder:-

“6. In view of the above position, this Court is of the considered opinion that no direction can be issued to the Govt. for allotment of the plot of land occupied by the petitioners, inasmuch as, the petitioners have got no vested right to get allotment of a particular plot of land, more so, considering the order of the Additional Deputy, Commissioner, Dhemaji dated 5.6.2002 passed in de-reservation Case No.3/2000, no such direction can be issued. However, keeping in mind the fact that the petitioners are indigenous landless flood affected people as well as the land policy adopted by the State Govt. in 1989, the petitioners deserve consideration for settlement of appropriate land in their favour. Accordingly the State Govt. is directed to make alternative arrangement so that the petitioners can be settled in any other Govt. land as indicated in the order dated 05.06.2002. Till such arrangement is made status-quo order passed by this Court on 12.7.2002 would continue.”

3. It is seen that the petitioners herein, pursuant thereto, have applied for settlement. Further to that, the petitioners had also applied under the Mission Basundhara Scheme during the pendency of the writ petition. The application so submitted by the petitioners under the Mission Basundhara Scheme however have not been accepted, as submitted by the learned counsel for the petitioners, on the ground that the instant writ petition is

pending.

4. This Court has duly heard the learned counsel appearing on behalf of the petitioners as well as the learned counsel appearing on behalf of the respondent authorities. From a perusal of the judgment and order passed by this Court on 18.06.2009 in WP(C) No.4354/2002, it is clear that the possession of the petitioners cannot be disturbed by the State Government unless alternative arrangements are not made. It is also seen that the petitioners have duly applied for settlement. However, such application(s) have not been brought to its logical conclusion in view of the pendency of the instant writ proceedings.

5. Accordingly, the instant writ petition therefore stands disposed of thereby directing the respondent authorities to consider the application(s) so submitted by the petitioners for settlement as per its present land policy. It is further observed and directed that till the petitioners are given alternative accommodation of settlement in other Government lands, the possession of the petitioners over the land shall not be disturbed in view of the observations so made by the Coordinate Bench of this Court in its judgment and order dated 18.06.2009.

JUDGE