

GAHC010034072024



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

Case No. : WP(C)/945/2024

IMRANA KHANAM
W/O- LATE SIRAJ UDDIN, R/O- VILL.- PIERCHAK, P.O. TILLABAZAR, P.S.
AND DIST. KARIMGANJ, ASSAM

VERSUS

THE UNION OF INDIA AND 5 ORS
REPRESENTED BY ITS COMMISSIONER AND SECRETARY TO THE GOVT.
OF INDIA, MINISTRY OF HOME AFFAIRS, NEW DELHI-01.

2:THE STATE OF ASSAM
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM
REVENUE DEPARTMENT
DISPUR
GUWAHATI-6.

3:THE COMMISSIONER AND SECRETARY
BORDER AREA DEVELOPMENT DEPARTMENT
DISPUR
GHY-06.

4:THE DEPUTY INSPECTOR GENERAL
BORDER SECURITY FORCE
F.T.R.
HEAD QUARTERS M AND C MASIMPUR
SILCHAR-25.

5:THE DISTRICT COMMISSIONER OF KARIMGANJ DISTRICT
MAIN ROAD
KARIMGANJ
DIST. KARIMGANJ
ASSAM
PIN- 788710.

6:THE CIRCLE OFFICER
KARIMGANJ SADAR CIRCLE
P.O. SETTLEMENT ROAD
KARIMGANJ
DIST. KARIMGANJ
ASSAM
PIN- 788710

Advocate for the petitioner(s) : Mr. H. R. Choudhury

Advocate for the respondent(s): Mr. R. Borpujari (Standing Counsel, Revenue Department)

Mr. B. Chakravarty (CGC)

Ms. S. Baruah

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 22.07.2024

Heard Mr. H. R. Choudhury, the learned counsel appearing on behalf of the petitioner; Mr. R. Borpujari, the learned Standing Counsel appearing on behalf of the Revenue Department, Government of Assam; Mr. B. Chakravarty, the learned CGC appearing for respondent No. 1; Ms. S. Baruah, the learned counsel appearing on behalf of the respondent Nos. 3, 4, 5 and 6.

2. The petitioner herein is aggrieved by the inaction on the part of the respondent authorities, more particularly, the respondent Nos. 2 and 5 in not granting settlements of land to the petitioner in spite of the fact that the petitioner had duly applied.

3. It is the case of the petitioner that the petitioner along with her husband used to reside in the border area. However, on account of certain actions taken by the BSF authorities the petitioner and her husband were removed from their place of residence. Pursuant thereto, the husband of the petitioner had expired. The petitioner had submitted an application on 06.03.2023, in terms with Land Policy of 2019 before the Deputy Commissioner, Karimganj for allotment of a plot of land for residential purpose. However as no steps were taken, the petitioner had approached this Court.

4. Mr. R. Borpjuari, the learned counsel appearing on behalf of the Respondent Revenue Department submitted that for applying for settlement, the same can be done either by way of applying through the Basundhara 2 Portal or by way of filing an application in the tabular format to the District Commissioner of the concerned District as provided in Form No. 125 and Form No. 126.

5. The learned counsel appearing on behalf of the petitioner submits that the petitioner would duly file the necessary applications in the in manner which it is prescribed. Taking into account the above, the instant writ petition stands disposed of thereby granting the liberty to the petitioner to file appropriate application seeking settlement of land in terms with the Land Policy of 2019 either through the Basundhara 2 Portal or by filing an application to the concerned District Commissioner in the proper format. It is observed that in the circumstances, the petitioner submits the application seeking settlement, the respondent authorities, more particularly, the District Commissioner Karimganj district shall duly consider the case of the petitioner in accordance with the Land Policy 2019 and dispose of the said application. The District Commissioner, Karimganj shall also duly take note of the fact that the petitioner is a widow and had been displaced on account of residing in the border area.

6. The writ petition accordingly stands disposed of.

JUDGE

Comparing Assistant