

GAHC010037342024



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

Case No. : WP(C)/993/2024

MOZIRAN BIBI

D/O- LATE MOIJUDDIN SK, W/O- KOPIL UDDIN SK, R/O- HAKAMA PART-III,
P.O. HAKAMA, PS BILASIPARA, DIST. DHUBRI, ASSAM, PIN- 783348.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE GOVT.
OF ASSAM, REVENUE DEPARTMENT, DISPUR, GUWAHATI-781006, ASSAM

2:THE DISTRICT COMMISSIONER
DHUBRI
DIST. DHUBRI
ASSAM

3:THE ADDITIONAL DISTRICT COMMISSIONER

BILASIPARA
SUB-DIVISION
BILASIPARA
DHUBRI.

4:THE CIRCLE OFFICER

BILASIPARA REVENUE CIRCLE
BILASIPARA
DHUBRI.

5:THE DEPUTY REGISTRAR
SUB-REGISTRY OFFICE
BILASIPARA
DHUBRI.

6:SOPURUDDIN SK.

S/O- LATE MOIJUDDIN SK.
R/O- BILASIPARA WARD NO. 8
P.O. HAKAMA
P.S. BILASIPARA
DIST. DHUBRI
ASSAM
PIN- 783348.

7:PRAKASH CHAND LUNABAT
S/O- GHEUR CHAND LUNABAT
R/O- 532
BILASIPARA
WARD NO. 7
DHUBRI
PIN- 783348
DHUBRI
PIN- 783348

Advocate for the Petitioner : MRS. S ROY

Advocate for the Respondent : GA, ASSAM

BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY

ORDER

Date : 01-03-2024

Heard Ms. S. Roy, learned counsel for the petitioner; Ms. G. Hazarika, learned Standing Counsel, Revenue & Disaster Management Department for the respondent no. 1; and Mr. S. Baruah, learned Junior Government Advocate, Assam for the respondent nos. 2 – 4.

2. One of the grievances of the petitioner is that pursuant to the proceedings drawn up by the Circle Officer, Bilasipara Revenue Circle vide Case no. DHU/PBC/BIL/NOC/02/17/2023, the Circle Officer, Bilasipara Revenue Circle has

passed an order on 24.01.2024 in the said proceedings, without putting the petitioner to notice. Though the petitioner applied for a certified copy of the said Order passed in Case no. DHU/PBC/BIL/NOC/02/17/2023 before the Circle Officer, Bilasipara Revenue Circle on 24.01.2024, a certified copy of the order stated to have been passed on 24.01.2024 has not yet been supplied to the petitioner. The petitioner has the apprehension that the applicant at whose instance the Case no. DHU/PBC/BIL/NOC/02/17/2023 was registered, is contemplating to sell the plot of land in question to a third party.

3. Mr. Baruah, learned Junior Government Advocate, Assam was asked to obtain instructions on 23.02.2024, on the following aspects :- [i] as to whether the Circle Officer, Bilasipara Revenue Circle has passed any final order in Case no. DHU/PBC/BIL/NOC/02/17/2023; and [ii] if yes, as to why a certified copy has not been supplied to the petitioner despite her application dated 24.01.2023.

4. Mr. Baruah has submitted today upon receipt of information that no final order in Case no. DHU/PBC/BIL/NOC/02/17/2023 has been passed by the Circle Officer, Bilasipara Revenue Circle till date and the case is still pending. The next date of the case is fixed on 11.03.2024.

5. As the Case no. DHU/PBC/BIL/NOC/02/17/2023 is pending and no final decision has been passed till date, there is no cause of action for the petitioner to maintain this writ petition.

6. The petitioner shall appear in the proceedings of the Case no, DHU/PBC/BIL/NOC/02/17/2023 scheduled on 11.03.2024 by appearing at the office of the Circle Officer, Bilasipara Revenue Circle at 10-30 a.m. on that day

for the purpose of pursuing her case in the said proceedings.

7. This order disposes of the writ petition.

JUDGE

Comparing Assistant