

GAHC010053132023



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

Case No. : WP(C)/1540/2023

MOTHRAM CHUTIA
S/O- LATE BOLURAM CHUTIA, R/O- NO. 2 SILAPATHAR NAGAR, P.O. AND
P.S. SILAPATHAR, DIST. DHEMAJI, ASSAM, PIN- 787059.

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE
GOVERNMENT OF ASSAM, REVENUE AND DISASTER MANAGEMENT
DEPARTMENT, DISPUR, GUWAHATI-6.

2:THE DEPUTY COMMISSIONER
DHEMAJI
ASSAM

3:THE CIRCLE OFFICER

SISSIBORGAN REVENUE CIRCLE
SISSIBORGAON
DHEMAJI

Advocate for the Petitioner : MR. B CHETRI

Advocate for the Respondent : SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE MANISH CHOUDHURY**

ORDER

Date : 04-01-2024

Heard Mr. B. Chetri, learned counsel for the petitioner; Mr. S. Dutta, learned Standing Counsel, Revenue and Disaster Management Department for the respondent no. 1; and Mr. N. Goswami, learned Junior Government Advocate, Assam for the respondent nos. 2 & 3.

2. In view of the limited prayer made on behalf of the petitioner and as agreed to by the learned counsel for the parties, the writ petition is taken up for disposal at the admission stage itself. The learned counsel for the parties have submitted that exchange of pleading between the parties is complete.

3. The case projected in the writ petition and the reasons for which the writ petition has been preferred, can be stated, in brief, as follows :-

3.1. The petitioner has claimed that he is in possession of a plot of Government land measuring 8 Lessas, covered by Dag no. 199, situate at Silapathar Nagar, Sissiborgaon Revenue Circle, District – Dhemaji [‘the subject-plot’, for short] since a long period of time. On an application being made for settlement of the said subject-plot in favour of the petitioner, the jurisdictional Deputy Commissioner, that is, the Deputy Commissioner, Dhemaji [the respondent no. 2] by a Communication bearing no. DRS 42/2007/20 on the subject :- ‘Settlement of land’ dated 17.12.2008, submitted a proposal for settlement of the subject-plot before the Revenue [Settlement] Department, Government of Assam. In the said proposal, the respondent no. 2 had conveyed that a proposal

for settlement of the subject-plot in favour of the petitioner was received from the Circle Officer, Sissiborgaon Revenue Circle [the respondent no. 3] vide a Letter dated 19.04.2007. It was further conveyed that the proposal was approved by the District Authority for placing it before the Sub-Divisional Level Advisory Committee [SDLAC] and the SDLAC in its Meeting, held on 30.10.2008, had accorded its approval. By the said Communication dated 17.12.2008, it was further informed that the subject-plot fell in the category of 1st Class Business Land and was to be used for business purpose. As regards the petitioner, it was mentioned that he belonged to MOBC [Chutia] and his name was included in the Chitha copy of the proposal. Subsequent to the submission of the proposal on 17.12.2008, communications were exchanged among [a] the Revenue [Settlement] Department, [b] the Deputy Commissioner, Dhemaji and [c] the Circle Officer, Sissiborgaon Revenue Circle in the subsequent period from the date of submission of the proposal, regarding valuation of the concerned subject-plot. On 16.11.2015, the office of the Deputy Commissioner, Dhemaji by its Communication bearing no. DRS 542/2015/16/5893 dated 16.11.2015 forwarded 24 nos. of proposals for settlement of land for residential purpose with eligible indigenous landless persons and amongst those 24 nos. of proposals, the proposal for settlement of the subject-plot in favour of the petitioner was also included mentioning therein the area, valuation, etc. In the year 2018, the Revenue [Settlement] Department sent back a number of proposals including the proposal pertaining to the petitioner, for re-examination as per the check-list to the Deputy Commissioner, Dhemaji and re-submission thereafter for further necessary action at the end of the Revenue [Settlement] Department. According to the petitioner, the Deputy Commissioner, Dhemaji re-submitted the proposals for settlement of various plots of Government lands

including the proposal for settlement of the subject-plot in favour of the petitioner, to the Revenue [Settlement] Department, Government of Assam on 23.07.2018 vide Communication bearing no. DRS 09/2018/2 with the request that expeditious disposal of the proposals would facilitate settlement of land in favour of needy inhabitants of Dhemaji district.

3.2. As despite initiation of the proposal for settlement of the subject-plot in favour of the petitioner as far back as in the year 2008, the matter of settlement of the subject-plot in favour of the petitioner has not been brought to any logical conclusion, the petitioner has stated that he is constrained to institute the instant writ petition.

4. Mr. Chetri, learned counsel for the petitioner has submitted that as the matter of settlement of the subject-plot in favour of the petitioner has not been brought to its logical conclusion, the petitioner had approached the office of the Deputy Commissioner, Dhemaji on several occasions. The petitioner has also submitted the representation before the Deputy Commissioner, Dhemaji highlighting the above sequence of events as regards pendency of the settlement proposal on 25.11.2022 prior to institution of the writ petition on 15.03.2023. But, even after institution of the writ petition, the proposal for settlement of the subject-plot has not been brought to its logical conclusion. He has drawn attention to the statement, made by the respondent no. 2 in the affidavit-in-opposition, to the effect that as per Field Verification Report, the subject-plot is in continuous possession of the petitioner till date.

5. In response, Mr. Dutta and Mr. Goswami, learned counsel representing the

State respondents have submitted that the settlement proposal is being examined and considered at different stages and admittedly, the petitioner is in possession of a Government plot of land. It is their submission that the matter of settlement of the subject-plot has to be considered in terms of the Land Policy of the State Government. They have submitted, in unison, that since the matter of settlement has not yet been brought to culmination, the writ petition can be disposed of with a direction to the respondent authorities, more particularly, the respondent no. 2 to bring the process to a logical conclusion in accordance with law, more particularly, as per the provisions of the Land Policy.

6. Mr. Chetri, learned counsel for the petitioner has agreed to the said submissions advanced by the learned counsel for the State respondents.

7. In view of the broad consensus arrived at by the learned counsel for the parties, in the afore-stated manner, this Court is of the considered view that instead of keeping this writ petition pending, the same can be disposed of with a direction to the respondent authorities, more particularly, the respondent no. 2 to consider and examine the matter of settlement of the subject-plot in favour of the petitioner in an expeditious manner qua his eligibility or ineligibility and thereafter, to bring the same to its logical conclusion by passing a speaking order. It is accordingly ordered. The entire exercise should be completed as expeditiously as possible, but within an outer limit of 6 [six] months from the date of submission of a certified copy of this order by the petitioner at the office of the respondent no. 2. It is further observed that while considering and examining the settlement proposal in respect of the subject-plot in favour of the petitioner, the respondent authorities shall take into consideration the relevant

factors including the extent of possession of the subject-plot by the petitioner and the provisions of the Land Policies and thereafter, pass the speaking order to bring the process to culmination. It is further observed that this Court has not adverted to the merits of the claims of the petitioner as regards the settlement of the subject-plot in his favour and the respondent authorities are at liberty to consider the settlement proposal on its own merits and in accordance with law.

JUDGE

Comparing Assistant