

GAHC010056032021



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

Case No. : WP(C)/2131/2021

YADVENDRA BAHADUR SINGH
S/O LATE INDRA BAHADUR SINGH, R/O ITKHOLA, P.O. AND P.S. SILCHAR,
DIST. CACHAR, ASSAM.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECY. TO THE GOVT. OF
ASSAM, DEPTT. OF REVENUE AND DISASTER MANAGEMENT, DISPUR,
GUWAHATI 6

2:THE JOINT SECY. TO THE GOVT. OF ASSAM

DEPTT. OF REVENUE AND DISASTER MANAGEMENT (S)
DISPUR
GUWAHATI 6

3:THE DEPUTY SECY. TO THE GOVT. OF ASSAM

DEPTT. OF REVENUE (SETTLEMENT) DISPUR
GUWAHATI 6

4:THE DEPUTY COMMISSIONER

CACHAR
SILCHAR
DIST. CACHAR
ASSAM.

5:THE ADDL. DEPUTY COMMISSIONER

CACHAR

SILCHAR
ASSAM.

6:THE SETTLEMENT OFFICER

CACHAR AND HAILAKANDI DIST. SILCHAR
ASSAM.

7:THE ASSTT. SETTLEMENT OFFICER

UDHARBOND CIRCLE
SILCHAR
DIST. CACHAR
ASSAM

Advocate for the Petitioner : MR R DHAR

Advocate for the Respondent : GA, ASSAM

BEFORE

HON'BLE MR JUSTICE ARUN DEV CHOUDHURY

For the Petitioner	: Mr. PK Dekha, Advocate
For the Respondents	: Ms. U Das, Advocate Mr. J Handique, Advocate
Date of Hearing	: 23.07.2024
Date of Judgment	: 23.07.2024

JUDGMENT AND ORDER(ORAL)

1. Heard Mr. PK Dekha, learned counsel for the petitioner. Also heard Mr. J Handique, learned standing counsel, Revenue and Ms. U Das, learned Additional Senior Government Advocate, Assam.
2. The petitioner is a society registered under Assam Co-operative Societies Act, 2007. The petitioner claims that it is in possession of 1200 Bighas of Government

khas land covered by Dag No. 1 of village Manadpur since 1992. According to the petitioner the said land is fit for cultivation of tea and rubber.

3. The Assistant Settlement Officer, Udarbond Revenue Circle, Silchar also submitted a report along with a communication dated 10.03.2014 addressed to the Deputy Commissioner, Cachar opining that the hillock covering more or less 1200 Bighas of land under second RS Dag No. 1 of Mouza of Mahmadpur, Udarbond revenue circle is fit for special cultivation like tea/ rubber.

4. The case of the petitioner is that even after such recommendation and opinion of the settlement officer, nothing has been done till date for allotment of the said land in favour of the petitioner by the competent authority.

5. The respondent No. 4 has also filed an affidavit in the present writ proceeding and has taken a stand that the proposal for allotment of the land in question was sent to the Government in Revenue and Disaster Management (Settlement Department) on 29.04.2015 and the said proposal was placed before the State Level Land Advisory Committee and the said committee in its meeting held on 18.11.1992 resolved to authorise the Deputy Commissioner, Cachar to approve the proposal, if the society is found to be a registered organization and that no proposal for allotment in case of individual should be considered.

6. The Deputy Secretary of the Revenue and Disaster Management Department has filed an affidavit, whereby a stand has been taken that certain procedures are to be followed for allotment of the land in terms of the extant

land policy. According to the aforesaid affidavit, the SDLAC is to make recommendation strictly in accordance with the land policy and thereafter, it should be placed before the competent authority to take a decision on allotment of land as per land policy.

7. In the aforesaid backdrop, this court is of the considered opinion that no writ of mandamus can be issued directing settlement of the land in favour of the petitioner inasmuch as such settlement shall depend upon the extant norms and land policy of the State.

8. The original recommendation of SDLAC relates back to the year 2014 and in the meantime there are changes in the land policy of the Government. Therefore, at this stage, this court is of the view that the entire matter can be disposed of by relegating the matter to the Principal Secretary, Revenue and Disaster Management Department to take a call on the application of the petitioner so far relating to the settlement of the land.

9. Accordingly, it is directed that the case of the petitioner be considered by the aforesaid authority in terms of the extant norms and land policy and the procedure prescribed by the State. Such exercise shall be carried out within a period of 12 (twelve) weeks from the date of receipt of a certified copy of this order to be furnished by the petitioner before the Principal Secretary, Revenue and Disaster Management Department.

10. While parting with this record, it is made clear that this court has not

opined anything on the merit of the claim of the petitioner or of the State. The claim of the petitioner be considered in terms of extant norms and procedure without being influenced by any of the observation made in this order.

JUDGE

Comparing Assistant