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

Case No. : WP(C)/2531/2020

ANITA SUTRADHAR
W/O. LT. NALINIMOHAN SUTRADHAR, VILL. JOGIGHOPA BHATIPARA, P.O.
JOGIGHOPA, P.S. JOGIGHOPA, DIST. BONGAIGAON, ASSAM, PIN-783382.

VERSUS

THE STATE OF ASSAM AND 4 ORS.
REP. BY THE CHIEF SECRETARY TO THE GOVT. OF ASSAM, DISPUR, GHY.-
06.

2:THE COMMISSIONER AND SECRETARY
TO THE GOVT. OF ASSAM
REVENUE AND SETTLEMENT DEPTT.
DISPUR
GHY.-06.

3:THE DY. COMMISSIONER OF BONGAIGAON

ASSAM.

4:THE SETTLEMENT OFFICER

BONGAIGAON
ASSAM.

5:THE CIRCLE OFFICER

BOITAMARI REVENUE CIRCLE
DIST. BONGAIGAON
ASSAM

Advocate for the Petitioner : MR. M U MONDAL, MR. A WAHAB,MD. I H KHAN,MS. N
NASRIN,MR J ISLAM

Advocate for the Respondent : GA, ASSAM, MR H SARMA, GA,ASSAM,SC, REVENUE

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA**

ORDER

Date : 12.12.2024

Heard Mr. M. U. Mondal, learned counsel for the petitioner. Also heard Mr. H. Sarma, learned Additional Senior Government Advocate for the respondent.

2. This writ petition has been filed by the petitioner for demarcation of a plot of land covered by Dag No. 176, Patta No. 45 of Village – Korea Part-I under Boitamari Revenue Circle, District - Bongaigaon, Assam. The petitioner is the joint owner of the said plot of land. The petitioner had filed representations on 22.01.2020 and 19.02.2020 for demarcation of the said plot of land before the Deputy Commissioner, Bongaigaon, however, the concerned authority did not issue any order in that respect and a road has been constructed over the patta land of the petitioner. Being aggrieved, the petitioner has filed the writ petition.

3. It is submitted that an affidavit dated 03.12.2024 was filed by the Circle Officer, Boitamari Revenue Circle, Bongaigaon pursuant to direction of the Court dated 25.09.2024 and an averment has been made in the said affidavit that upon verification of the claim of the petitioner it has been found that the road has been constructed over portion of land measuring 1.5 Lecha out of the Land measuring 2 Katha 10 Lecha covered by Patta No. 45 Dag No. 176 from Village – Korea Part-I under Boitamari Revenue Circle. In the said affidavit it is specifically mentioned that the petitioner is the Pattadar of the said plot of land.

4. Mr. H. Sarma, learned Additional Senior Government Advocate appearing for the respondents submits that as per office memorandum No. RRG.18/2017/Pt/163 dated 21.12.2020, the Government has laid down the manner in which applications seeking demarcation of land can be filed by the affected parties.

5. The steps for issuance of demarcation certificate are also pointed out in the said Office Memorandum. It is also mentioned that the specific user charges required to be paid by the applicant. The learned Government Counsel submits that the petitioner may file a fresh application as per the criteria and the format laid down the Office Memorandum dated 21.12.2020 and thereafter, the authorities will take necessary steps to issue of the demarcation certificate.

6. The submissions made by the Government Counsel are not objected to by the learned counsel for the petitioner.
7. Mr. M. U. Mondal, learned counsel for the petitioner, submits that the petitioner will approach the Circle Officer of Boitamari Revenue Circle and take necessary steps accordingly.
8. This Court therefore is of the view that the petitioner will file an application for demarcation in terms of the Office Memorandum dated 21.12.2020 by paying necessary charges and thereafter, the respondent authority will proceed to demarcate the land and pass necessary order within the period of 60 (sixty) days from the date of receipt of the fresh application i.e. that will be filed by the petitioner along with a certified copy of this order.
9. With the above observations and directions, the writ petition stands disposed of.

JUDGE

Comparing Assistant