

GAHC010086002023



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

Case No. : WP(C)/3186/2023

RAM SUNDAR SARMA AND ANR
SON OF LATE KHUDIRAM SARMA,
RESIDENT OF VILL/TOWN- AMLAKHI DOLONI (HELEM CHARIALI),
P.S.- HELEM, P.O.- HELEM,
PIN- 784170,
DISTRICT- BISWANATH, STATE- ASSAM.

2: RAJENDRA SARMA
SON OF LATE KHUDIRAM SARMA

RESIDENT OF VILL/TOWN- AMLAKHI DOLONI (HELEM CHARIALI)

P.S.- HELEM
P.O.- HELEM

PIN- 784170

DISTRICT- BISWANATH
STATE- ASSAM

VERSUS

THE STATE OF ASSAM AND 2 ORS
REPRESENTED BY THE SECRETARY TO THE DEPARTMENT OF REVENUE,
CAPITAL COMPLEX, DISPUR,
GUWAHATI- 781006.

2:THE DEPUTY COMMISSIONER
BISWANATH
GOVERNMENT OF ASSAM
NILPUR T.W. 255/240

ASSAM- 784176.

3:THE CIRCLE OFFICER
HELEM REVENUE CIRCLE
GOVERNMENT OF ASSAM
GUWAHATI- 784170

Advocate for the petitioner(s): Mr. G Das

Advocate for the respondent(s): Mr. A Bhattacharjee, Standing Counsel,
Revenue, Department, Govt. of Assam

Mr. H Sarma, Additional Senior Govt.

Advocate

BEFORE
HONOURABLE MR. JUSTICE DEVASHIS BARUAH

ORDER

Date : 08.11.2024

Heard Mr. G Das, the learned counsel appearing on behalf of the petitioners. Mr. A Bhattacharjee, the learned counsel appears on behalf of the respondent No.1 and Mr. H Sarma, the learned Additional Senior Government Advocate, Assam appears on behalf of the respondent Nos. 2 and 3.

2. The petitioners herein are aggrieved by the inaction on the part of the respondent authority in carrying out the demarcation of the land of the petitioners. It is the specific case of the petitioners that the petitioners are the owners of a plot of land ad measuring 2 kathas 15 lechas covered by Dag No.322 of Khiraj Periodic Patta No.82 of village Amlokhi Doloni, Mouza-Helem, under Helem Revenue Circle, which the petitioners had purchased vide

registered sale deed No.541 dated 07.04.1992. The petitioner No.2 thereupon submitted an application for demarcation on 20.01.2022 before the respondent No.3 seeking demarcation of the land. However, no action was taken and, as such, the petitioners had approached this Court by filing the present writ petition.

3. It is relevant to take note of that the learned counsel appearing on behalf of the petitioners has drawn the attention of this Court to the Office memorandum dated 21.12.2020 issued by the Revenue and Disaster (Reforms) Department of the Government of Assam, whereby the manner in which a Demarcation certificate is to be issued has been duly mentioned.

4. It is further seen that pursuant to filing of the instant writ petition, the respondent No.3 had filed the affidavit-in-opposition, wherein it was duly admitted that the respondent No.3 had received the petition seeking demarcation of land under Dag No.322 of Khiraj Periodic Patta No.82 measuring 4 kathas 1 kechas of village Amlokhi Doloni, Mouza-Helem, under Helem Revenue Circle. It was further mentioned that the actual Pattadars of the said land are (i). Ram Sundar Sarma, (ii). Biren Kuwar, (iii). Rajendra Sarma. It is further mentioned that there was no consent taken from the co-pattadars and additionally, a complaint petition was also received from one Minakshi Devi, who is the pattadar of the adjacent Dag No.368 of Period Patta No.83 of the concerned plot of land.

5. This Court on an earlier occasion, when the matter was taken up has

sought for certain instruction(s) as to whether the petitioners would continue to seek the demarcation in respect to 1 katha 7.5 lechas of land in Dag No.322 of Khiraj Periodic Patta No.82 of village Amlokhi Doloni, Mouza-Helem. The learned counsel appearing on behalf of the petitioners submitted that the petitioners are only interested in respect to the demarcation of 2 kathas 15 lechas of land, which was purchased by the petitioners vide the sale deed dated 07.04.1992.

6. This Court has also perused the Office Memorandum dated 21.12.2020, whereby the manner in which the Demarcation Certificate is to be issued has been duly mentioned. It is also seen that the two petitioners herein are the owners of the land in question and as such, there seems to be no impediment in issuance of a Demarcation Certificate in terms with the Office Memorandum dated 21.12.2020. Accordingly, the respondent No.3, who is the Circle Officer of the Helem Revenue Circle is directed to carry out the demarcation of the plot of land ad measuring 2 kathas 15 lechas under Dag No.322 of Khiraj Periodic Patta No.82 of village Amlokhi Doloni, Mouza-Helem, under Helem Revenue Circle and issue a Demarcation Certificate to the petitioners.

7. It is, however, mentioned that in carrying out the said Demarcation proceedings, the Revenue Authorities shall not in any manner disturb the possession of any person, who is in occupation of such lands.

8. With the above, the instant writ petition stands disposed of.

9. The entire process, as directed above, be completed within a period of

30(thirty) days from the date a certified copy of this order is served upon the Respondent No.3.

JUDGE

Comparing Assistant