

GAHC010095522024



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

Case No. : WP(C)/2589/2024

RAHENA BEGUM
WIFE OF HASAN RAJA LASKAR,
R/O- VILLAGE- BETJAN ROAD, MAKUM JUNCTION,
DISTRICT- TINSUKIA, ASSAM, PIN- 786170.

VERSUS

THE STATE OF ASSAM AND 6 ORS
REPRESENTED BY THE COMMISSIONER AND SECRETARY
REVENUE AND DISASTER MANAGEMENT DEPARTMENT
DISPUR
GUWAHATI-06.

2:THE DEPUTY COMMISSIONER
TINSUKIA
DIST.- TINSUKIA
ASSAM
PIN- 786125.

3:THE ADDITIONAL DEPUTY COMMISSIONER
REVENUE
DIST.- TINSUKIA
ASSAM
PIN- 786125.

4:THE CIRCLE OFFICER
DOOMDOOMA REVENUE CIRCLE
DIST.- TINSUKIA
ASSAM
PIN- 786151.

5:SULTAN AHMED

SON OF LATE LAL MIYA
RESIDENT OF BETJAN ROAD
MAKUM JUNCTION
P.S.- MAKUM
DISTRICT- TINSUKIA
ASSAM
PIN- 786170.

6: BABUL UDDIN AHMED
SON OF LATE LAL MIYA
RESIDENT OF BETJAN ROAD
MAKUM JUNCTION
P.S.- MAKUM
DISTRICT- TINSUKIA
ASSAM
PIN- 786170.

7: AZIR AHMED
SON OF LATE ALIMUDDIN
RESIDENT OF BETJAN ROAD
MAKUM JUNCTION
P.S.- MAKUM
DISTRICT- TINSUKIA
ASSAM
PIN- 786170

Advocate for the Petitioner : G UDDIN, P ADHIKARI, MR A K AZAD

Advocate for the Respondent : SC, REVENUE, A R MONDAL (R-5), MR A HAWARI (R-5), MR. S ISLAM (R-5), GA, ASSAM

**BEFORE
HONOURABLE MR. JUSTICE SOUMITRA SAIKIA
ORDER**

22.11.2024

Heard Ms. P. Adhikari, learned counsel for the petitioner. Also heard Ms. S. Konwar, learned Government Advocate for the respondents No. 2, 3 & 4; Ms. G. Hazarika, learned Standing Counsel, Revenue for the respondent No. 1 and Mr. S. Islam, learned counsel for the respondent No. 5.

2. This writ petition is filed seeking a direction to the respondents No. 2, 3 & 4 to demarcate the land belonging to the petitioner.

3. The petitioner claims a land measuring 13.08 Lechas out of a contiguous plot of land of 1 Bigha, 5 Lechas covered by Dag No. 258 PP No. 85 of Makum Junction Town under Hapjan Mouza in the District of Tinsukia, Assam. It is submitted that the land was purchased by the father of the petitioner during his lifetime and after the demise of the father of the petitioner, her name and her husband's name were mutated by inheritance. However, the son of the purchaser of the land namely the brother of the petitioner constructed a bamboo fencing and also a temporary house thereon. Accordingly, the petitioner approached the Revenue authorities as far back as 2016 seeking demarcation. However, the application/representation of the petitioner was not considered as claimed by the petitioner. Subsequently again in the year 2021, a representation was stated to be submitted. This representation is enclosed as Annexure-12 (Page-47) of the writ petition which according to the petitioner has also been unattended. Aggrieved, the present writ petition has been filed.

4. On the last date, the Government Advocate was permitted to obtain required instructions in the matter.

5. Today, the learned Government Advocate has placed before the Court a

communication dated 22.07.2024 received from the Addl. Deputy Commissioner (Revenue), Tinsukia. As per the said communication, the Circle Officer, Doomdooma Revenue Circle submitted a report that inspite of notices being issued on 22.04.2024 and 13.05.2024 for demarcation of land, the petitioner did not attempt to be present for the said purposes. It is stated therein that the land belonging to the respondent No. 5 is separated by way of a partition of the land and partition patta in his name with Dag No. 1335 and Patta No. 362 has already been created. The particulars in the writ petition are very sketchy and vague and therefore no specific directions on such premises can be issued to the respondents. That apart upon perusal of the instructions placed before the Court by the Government counsel, it appears that the Circle Officer issued notices on the petitioner on the petitioner for demarcation of land and inspite of which the petitioner did not attend the said process.

6. Under such circumstances, this Court is disinclined to pass any order as prayed for the present writ petition. However, liberty is granted to the petitioner to approach the Circle Officer and file appropriate representation if any highlighting her grievances specifically and supported by adequate documents and if such a representation is filed within a period of 30 days from today, the Circle Officer will thereafter proceed to examine the grievances of the petitioner and pass appropriate order thereon within a further period of 60 days from the date such an application is filed. The Circle Officer will ensure that all affected parties are given a right of hearing before any such orders are passed.

7. With the above observation, the writ petition stands disposed of.

JUDGE

Comparing Assistant